

NOV 14 2016

COMPLAINT

RECEIVED

16-204

1. PERSON BRINGING COMPLAINT:

Name: DAVID R. PAULEY Telephone Number: 727-734-4028

Address: 2598 GARY CIRCLE / UNIT # 202

City: DUNEDIN, FL. County: PINELLAS Zip Code: 34698

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Current or former public officer, public employee, candidate, or lobbyist - please use one complaint form for each person you wish to complain against:

Name: JULIE WARD BUJALSKI Telephone Number: 727-639-3458

Address: 1856 La Grande Dr.

City: DUNEDIN, FL. County: PINELLAS Zip Code: 34698

Title of office or position held or sought: MAYOR - CITY OF DUNEDIN, FLORIDA

3. STATEMENT OF FACTS: → See Attached (A) 2 pages

Please explain your complaint fully, either on the reverse side of this form or on additional sheets, providing a detailed description of the facts and the actions of the person named above. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. If you believe that a particular provision of Article II, Section 8, Florida Constitution (the Sunshine Amendment) or of Part III, Chapter 112, Florida Statutes (the Code of Ethics for Public Officers and Employees) has been violated, please state the specific section(s). Please do not attach copies of lengthy documents; if they are relevant, your description of them will suffice. Also, please do not submit video tapes or audio tapes.

4. OATH

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

STATE OF FLORIDA  
COUNTY OF Pinellas

Sworn to (or affirmed) and subscribed before me this 9th day of November, 20 16, by David R Pauley  
(name of person making statement)

[Signature]  
(Signature of Notary Public - State of Florida)

Barbara Stevens  
(Print, Type, or Stamp Commissioned Name of Notary Public)

[Signature]  
SIGNATURE OF COMPLAINANT

Personally Known \_\_\_\_\_ OR Produced Identification

Type of Identification Produced: FL DL



Barbara S. Stevens  
State of Florida

My Commission Expires 11/30/2019  
Commission No. FF 938538

**Jurisdiction of the Commission:** The Commission on Ethics has the authority to review and investigate complaints concerning possible breaches of the public trust (violations of the State's ethics laws) by public officers, public employees, and similar persons involved with state and local government in Florida, including Executive Branch lobbyists. Complaints about the actions of Judges should be brought to the Judicial Qualifications Commission, and complaints against attorneys in private practice should be made to The Florida Bar.

**Procedures followed by the Commission:** The Commission follows a three-stage process when it considers complaints.

The first stage is a determination of whether the allegations of the complaint are legally sufficient, that is, whether the complaint indicates a possible violation of any law over which the Commission has jurisdiction. If the complaint is found not to be legally sufficient, the Commission will order that the complaint be dismissed without investigation and all records relating to the complaint will become public at that time.

If the complaint is found to be legally sufficient, the investigative staff of the Commission will begin an investigation. The second stage of the Commission's proceedings involves this investigation of the complaint and a decision by the Commission of whether there is probable cause to believe that there has been a violation of any of the ethics laws. If the Commission finds that there is no probable cause to believe that there has been a violation of the ethics laws, the complaint will be dismissed and will become public at that time.

If the Commission finds that there is probable cause to believe there has been a violation of the ethics laws, the complaint becomes public and enters the third stage of proceedings. The third stage requires that the Commission decide whether the law actually was violated and, if so, what penalty should be recommended. This stage requires a public hearing (trial) at which evidence would be presented.

**Attorney's Fees:** If the complaint is dismissed, the person against whom the complaint is filed can file a petition to have the complainant pay his or her attorney's fees, which will be awarded after a hearing if the Commission finds that the complaint was made with a malicious intent to injure the official's reputation, the complainant knew that the statements made about the official were false or made the statements about the official with reckless disregard for the truth, and the statements were material.

**Confidentiality:** The Commission cannot accept anonymous complaints and cannot keep the identity of the complainant or any witness confidential. A complaint, as well as all of the Commission's proceedings and records relating to the complaint, is confidential and exempt from the public records law either until the person against whom the complaint is made waives confidentiality, or until the complaint reaches a stage in the Commission's proceedings where it becomes public. The Commission's procedures on confidentiality do not govern the actions of the complainant or the person against whom the complaint is made.

**Legal Counsel:** Both the complainant and the person complained against can be represented by legal counsel during the Commission's proceedings.

**Other Information:** More information about the ethics laws and the Commission's responsibilities is available at the Commission's website, [www.ethics.state.fl.us](http://www.ethics.state.fl.us), which contains publications, rules, and other information.

November 9, 2016

Attachment (A) for form 50 (2 pages)

Reference attached Florida State form 50 to below listed file of complaint by David R. Pauley against Julie Ward Bujalski, (Mayor City of Dunedin Florida). 3. Statements of Facts.

I claim Mrs. Bujalski is in violation of Florida Statute Section 112.311 (1) and Section 112.313 (6). Mrs. Bujalski is also in violation of the Dunedin City Code Section 2-93(a)(2), which references your F.S. 112.311. She has also violated our Dunedin Code of Core Values and Ethics and has not taken the steps outlined in this document, in her role as Mayor, to intervene.

On the weekend of July 23, 2016 I overheard a conversation that our Mayor was way behind on Boat slip rental payments in Dunedin Marina. In the conversation, one person was very upset as they knew there was a waiting list to get in. I gave this some thought over the weekend and decided to call the City. When I called I made no mention of any person but requested a current aging report covering all slip renters in the Marina. I also pursued the city slip rental agreement and rules and regulations for the Marina. When I received the aging report on July 26, 2016, it confirmed what I had heard, only worse than I thought. Bujalski's monthly rental is \$251; they owed \$1,559.38 and were the only ones in the over 90 day due column. In fact they were 6 months overdue. After reviewing the agreement and rules and regulations, I found many violations of these occurred. I wrote a letter to the Mayor and expressed my concern and suggested, as a public official, she should be held to the same standards and rules as every other person. This letter was copied (Attached (B) to the city and newspapers.

Mayor Bujalski quickly replied and stated her husband had broke his foot and was unable to work for several months and they were forced to use savings on mortgage, groceries and electric bill. As a matter of fact, she stated, they had set up a payment plan with the appropriate people in the city several weeks ago. Upon my request, I was given a copy of the agreement which states was signed on July 19, 2016 and also noticed this payment plan reflected no interest charges. I then asked for a record of payment report for Bujalski from 3/12/16 thru current date.

The Tampa Bay Times reporter contacted Mayor Bujalski before printing an article (Attached (C) on August 11, 2016. Records show that on August 10, 2016 the Bujalski's made a request for an insurance quote, insurance they were supposed to be carrying. They also paid off, on August 10, 2016, the \$1,559.38 that they had just set up payment plan for. Of special interest is the Bujalski's made no payments from 9/14/2015 until 5/5/2016; no payments from 9/9/2014 until 2/9/2015; from 12/9/2013 until 4/2/2014. As you can see, this is not a one time occurrence.

Dunedin City Code, Chapter 86-109e clearly states an appeal process exists if someone in the Marina felt they were aggrieved an appeal should be filed with the City Manager. In checking with the City Manager no appeal was filed by Mayor Bujalski. This procedure was not followed and instead Dunedin parks and recreation director Vince Guizzi was contacted to work out a deal. This was then turned over to finance director Joe Ciarro who then crafted a plan similar to what they do for utility customers. Staff was put in a very difficult position as evidenced by comments they made in the August 11, 2016 newspaper article. Mr. Ciarro stated, "while the necessity of utilities is different than that of a Marina slip". Mr. Guizzi admitted he had never

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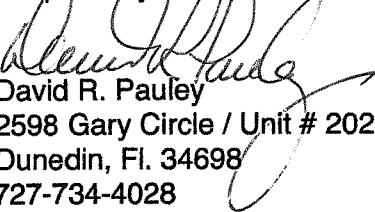
done a Marina payment plan for anyone in his nine years with the city. It should be noted that no such option exists. After all, a boat is a luxury not a necessity.

I see a clear violation In the use of her elected position to benefit the needs of her family. She had a unique deal crafted for her, by the city, that is not available to all citizens, and was certainly not transparent. The Mayor chose to not pay and let the city deal with her delinquent account instead of paying the city rental with a credit card and let the credit card company worry about the delinquency. No interest- as opposed to 20% plus -clearly points out why she took this consistent path. In my follow up letter to Mayor Bujalski of September 15, 2016 I spelled out the violations and the fact these violations mean our City of Dunedin Code of Civility and Ethics Agreement has been violated. Stating also that this agreement also states the Mayor has the additional responsibility to intervene when actions of their respective members appear to be in violation of this agreement. Is it now time to intervene? To date I have heard nothing. On October 5, 2016 I sent a short e-mail stating I clearly pointed out violations and have had no response, nor action, forcing me to go to another source to intervene. As of October 8th I had heard nothing so decided to proceed with filing a complaint. I had the complaint prepared to file on October 10, 2016 but upon review of your 21 page Ethics and Sunshine Guide I read where I could not file complaint on a candidate for office within 30 days of the election. Consequently I have waited until November 9, 2016 to submit this complaint.

I have backup paperwork to support all of above.

Of note is a Tampa Bay Times article of February 13, 2013 that points out Mrs. Bujalski had encounters with the Florida Commission on Ethics that resulted in sizable fines; again due to not following up nor paying.

Respectfully submitted,

  
David R. Pauley  
2598 Gary Circle / Unit # 202  
Dunedin, Fl. 34698  
727-734-4028  
drpauley@tampabay.rr.com

Names and addresses of potential witnesses:

Please note these are all staff members of Dunedin, Florida Government.

Vince Guizzi  
Parks & Recreation Director.  
Joe Ciurro.  
Finance Director.  
Bill Frantz.  
Harbor Master..Dunedin Marina  
Doug Hutchins  
Acting City Manager.

Mail Address For All

City of Dunedin Florida  
PO Box 1348  
Dunedin, Florida 34697

Phone 727-298-3000  
Ask for party.

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Attached (B)

July 27, 2016

To: Mayor Julie Bujalski  
City of Dunedin Florida

Dear Mayor Bujalski:

It has come to my attention that your boat rental fees at the Dunedin Marina are past the due date per the city aging report of 7/26/2016. This amount due represents more than 30% of the total, past the due date, due the Marina. Moreover, this amount is larger than all other users and you are the only user with payments that are more than 60 days past due. I am disappointed that you, as Mayor of the City, would permit yourself to be so delinquent in your payments to the City. I would expect as the Mayor you make it a priority to pay any debts you may have to the City promptly and on time.

Furthermore, I anticipate that any late payments that you have made or (hopefully) will make in the future will include the prescribed late payment penalty to which all delinquent users are subject. As a public official, you should be held to the same standards and subject to the same rules as every other person.

As I am sure that you know, the Marina has a waiting list of residents that would like to use its' facilities. To combat delinquent payments, the City has codes that cover removal of, and even sale of, boats to satisfy the debt and create profitable space. Do you think that it is fair to the citizens of the City that you serve that you are significantly overdue in making your payments to the Marina? I expect that you will remedy this situation. If not, I hope that the City takes steps it would take with any other citizen in order to get the money owed to its taxpayers.

Sincerely yours,

David R. Pauley  
2598 Gary Circle / Unit 202  
Dunedin. Florida 34698  
727-734-4028

See attached who  
due to ①

From: **Dave R Pauley** drpauley@tampabay.rr.com

Subject: **Dunedin Marina**

Date: **Today at 2:13 PM**

To: **Julie Ward Bujalski** jbjalski@dunedinfl.net

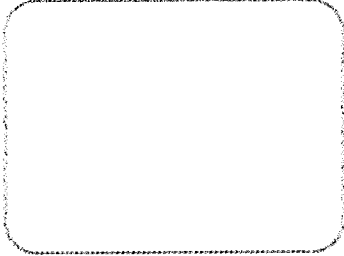
Cc: **hgracy@dunedinfl.net, Deborah Kynes** dkynes@dunedinfl.net, **Bruce Livingston** blivingston@dunedinfl.net, **John Tornga** jtornga@dunedinfl.net, **Doug Hutchens** DHutchens@DunedinFL.Net, **Megan Reeves** mreeves@tampabay.com, **tom germond** tgermond@tbnweekly.com

Bcc: **Dave R Pauley** drpauley@tampabay.rr.com

*← sent to*



Please open attachment. (B)



Sent from my iPad

①  
*See attached  
letter sent*



Attached (c)

## Dunedin mayor fell months behind in city boat slip fees



Megan Reeves, Times Staff Writer

Thursday, August 11, 2016 2:14pm

DUNEDIN — Mayor Julie Ward Bujalski and her husband, Tom, fell months behind in payments for their boat slip at the city-owned marina, owing as much as \$2,800 in back payments and fines as recently as April. Though they made occasional payments since then, they never caught up until this week, a day after the *Tampa Bay Times* requested marina records from the city.

According to the agreement they signed in 2012, boats parked in slips with fees more than 60 days late can be removed, towed and stored elsewhere by the city staff, who can then bill the owner for the cost of the move. But the mayor's boat stayed put.

Despite the lengthy record of late fees, her 28-foot 1986 Carver Mariner, a model commonly listed around \$15,000, never left the water. Instead, the city staff came up with a unique payment plan for the Bujalskis so they could keep their slip, which costs \$251 a month, and pay off the balance over six months.

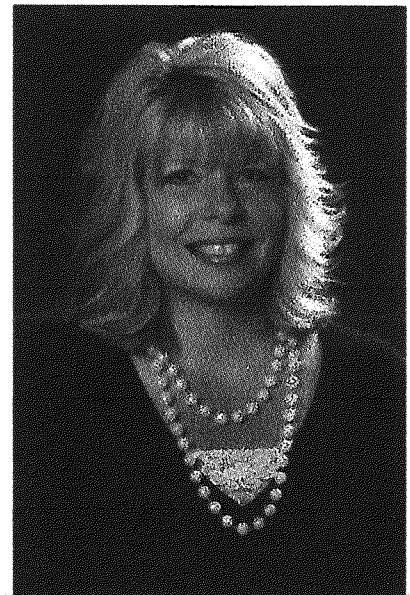
The mayor says the payments were late because of her family's recent financial trouble after her husband, who she said is the "primary breadwinner" as a construction business owner, fell and broke his foot. She declined to say when her husband was injured, but said other health issues he had before that also kept him from working for some time.

"We struggled to pay some of our bills," she said, calling the unpaid fees a "temporary situation" she and her husband thought they could fix by working with the city. "Every day, Dunedin residents have financial difficulties here and there, and we have like anybody else."

But records show their account — often left unpaid for several months and once as many as eight — has been penalized for late payments for more than four years, nearly every month since the Bujalskis rented the space.

Bujalski said her husband went to the city a few weeks ago to work out a payment plan — something parks and recreation director Vince Gizzi admitted has never been done for someone with late boat slip fees in his nine years working at the city.

"We have had boats that had been delinquent further than what our mayor's were, but most of that was



Mayor Julie Ward Bujalski said her family struggled with bills.

people that had abandoned their boats. We haven't had anyone (with fees that high) that still wanted their boat," he said. "We have put people with (late) utility bills on payment plans, but not for the marina. ... We haven't had this particular issue."

Bujalski, who makes \$10,000 annually as mayor, said she has no idea if the city has ever come up with a payment plan for delinquent marina fees, but hopes it would because the city "tries to work with our residents."

"All I can tell you is that most people can call their electric company or call about their water bill and usually businesses work with you," she said. "It probably hasn't happened at the marina because most people in the marina have money — lots of money."

Recently hired finance director Joe Ciurro, who was asked by the parks and recreation department to design the payment plan for the Bujalskis, said he has never done so for a marina account during his seven months with the city. He confirmed three- to six-month payment plans have been used for utility customers in "extenuating circumstances," and said that while the necessity of utilities is different from that of a marina slip, he did only what he was directed to do by the parks and recreation department.

"We made sure that if we were going to do something like this (for the Bujalskis), we should be in line with what we do for utility customers," he said. "We made sure we didn't go beyond six months."

The mayor said her husband was "trying to do the honorable thing to make things whole" when he went to the city to work out a plan while he tried to find work. Records show the Bujalskis made their first scheduled payment July 19 — nearly three weeks past the due date — before paying off the account this week.

Bujalski said the full amount wasn't paid to quiet criticisms, but because her husband landed some contracts at work.

"It really is a personal and private matter, and I think Dunedin residents will understand that," she said. "It is sad that during a heightened political situation that the focus will come upon an everyday family's struggles."

Contact Megan Reeves at [mreeves@tampabay.com](mailto:mreeves@tampabay.com) or (727) 445-4153. Follow @mreeves\_tbt.

## Dunedin mayor fell months behind in city boat slip fees 08/11/16 Photo reprints | Article reprints

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