



A large, stylized "COPY" stamp with a document icon to its left.

## Florida House of Representatives

Rules & Calendar Council

**Larry Cretul**  
Speaker

**Bill Galvano**  
Chair

December 28, 2009

Jimmy Whitting  
Florida Arcade & Bingo Association, Inc.  
1280 South Powerline Road, Suite 20  
Pompano Beach, Florida 33069

RE: Complaint 09-06

Dear Mr. Whitting:

On Monday, December 14, 2009, the Rules & Calendar Council received a copy of your complaint against Frank Mirabella and Mirabella, Smith & McKinnon, Inc. Pursuant to House Rule 16.2(b), I am returning your complaint and dismissing it as filed. The complaint does not comply with House Rule 16.2(a) which requires that it be made under oath and include, if possible, the specific section of the House Code of Conduct, Joint Rule One, or law, rule, regulation or other standard of conduct alleged to have been violated. The document received contains no evidence of a properly administered oath or affirmation, nor does it state a specific law, rule, regulation or other standard of conduct alleged to have been violated and is accordingly insufficient.

In addition, it does not appear that the facts alleged constitute a violation that is under the jurisdiction of the House of Representatives. House Rule 16.2 governs proceedings based upon violations of the Rules of the House, Joint Rule One, s. 11.045, s. 112.3148, or s. 112.3149, Florida Statutes, or any other applicable standard of conduct by any lobbyist. Your complaint does not allege a violation of any of the enumerated rules or law.

You are entitled to resubmit a corrected complaint at any time within two years of the violation alleged pursuant to House Rule 16.2(l). If you have any questions about this response to your

Page 2

complaint, please contact Stephanie Birtman, Council Director of the Rules & Calendar Council at 850-488-0350.

Respectfully,

A handwritten signature in black ink, appearing to read "Bill Galvano", with a long horizontal flourish extending to the right.

Bill Galvano, Chair  
Rules & Calendar Council

cc: Frank Mirabella  
Mirabella, Smith & McKinnon, Inc.  
Speaker Larry Cretul



**DR. COPY**  
sent on 12/17/09  
Han

## Florida House of Representatives

Rules & Calendar Council

**Larry Cretul**  
Speaker

**Bill Galvano**  
Chair

December 17, 2009

Frank Mirabella  
Mirabella, Smith & McKinnon, Inc.  
521 North Adams Street  
Tallahassee, FL 32301

RE: Complaint 09-06

Dear Mr. Mirabella,

Pursuant to the requirements of House Rule 16.2(b)(3), I hereby transmit the enclosed copy of the above-referenced complaint, received in the office of the Rules & Calendar Council on December 14, 2009. This notification is a routine requirement that should not be construed as approving, disapproving or passing any judgment on the complaint.

Within 20 days, I am required to examine the complaint and fulfill certain additional responsibilities set out in House Rule 16.2(b)(4)a.-d.

House Rule 16.2(g) provides that the complaint and accompanying records, including copies of this letter, are not available for public inspection until the dismissal of the complaint, a determination of probable cause or informal resolution, or the receipt of a written request from you to the Speaker that the records be made public.

If you have questions about the content of this letter or the procedures required by the House Rules, please contact me or Rules & Calendar Council Director, Stephanie Birtman, at 488-0350.

Page 2

Respectfully,

A handwritten signature in black ink, appearing to read "Bill Galvano", with a long horizontal flourish extending to the right.

Bill Galvano, Chair  
Rules & Calendar Council

Enc.

 **COPY**

**FLORIDA ARCADE & BINGO ASSOCIATION, INC.**

1280 South Powerline Road, Suite 20  
Pompano Beach, Florida 33069  
(954)973-2120/Broward ● (954)973-2114/Fax

**RECEIVED**

November 10, 2009

**DEC 14 2009**

**Rules & Calendar Council  
Florida House of Representatives**

The Honorable Bill Galvano  
Chairman, Rules and Calendar Council  
Florida House of Representatives  
Room 418, The Capital  
Tallahassee, Florida 32399-1300

Dear Chairman Galvano:

Please consider this correspondence as our formal ethics complaint against Lobbyist Frank Mirabella and his firm, Mirabella, Smith & McKinnon, Inc.

The facts are as follows:

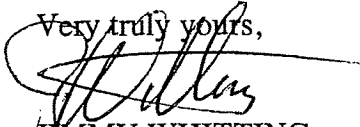
1. Mr. Mirabella has been the lobbyist for our association from our inception in 2004.
2. The members of our association are Senior Arcade owners and operators, and machine vendors that vend to the Senior Arcades. Our association's mission is to ensure that Senior Arcades follow strictly the statutory scheme under which they operate, and to offer benefits to our members in the form of programs which assist in the running of member's businesses. The association further endeavors to be involved in the legislative process as it pertains to our industry.
3. We have learned that during the last 2 years of Mr. Mirabella's representation of us, he has had a conflict of interest which he did not disclose to us, as well as a personal business interest in a company whose interests he put ahead of the interests of our association in the legislative process. To be more specific:
  - a. Mr. Mirabella has a 1/3 (one third) ownership interest in Florida Gamco, Inc. This company operates and manages the arcade facilities at the Disabled American Veterans Lodge #18 in Bradenton, Florida. Florida Gamco pays the DAV 10% of the profits from the arcade gaming activities at that facility.
  - b. At the Finance and Tax Council meeting of the House of Representatives on April 15, 2009, Mr. Mirabella stood and spoke on behalf of Veterans organizations regarding exempting them from proposed legislation raising the tax rate on coin operated amusement machines. He followed

to the podium Mr. Charles Price, who originally spoke regarding the proposed amendment. Mr. Price in fact is Mr. Mirabella's partner in Florida Gamco, Inc. I enclose a copy of the Florida Division of Corporation printout regarding Florida Gamco. Neither Mr. Mirabella nor Mr. Price advised the committee that they had a personal stake in the outcome of such proposed legislation, and that if the Veterans' organization were exempted from a tax increase, that the company in which they held a stake would directly benefit. Mr. Mirabella even announced to the committee that he "wears two hats" one representing the veterans, and one representing the Florida Arcade and Bingo Association Inc. Unfortunately, those two "hats" are not compatible as what may be good for one would directly compete with the interest of the other. In fact, Mr. Mirabella wore "3 hats" one for the Veterans Organization, one for the Florida Arcade and Bingo Association, and one for himself.

- c. At the above referenced committee meeting Mr. Mirabella did then speak on behalf of the arcade association, again without disclosing the conflict. Strangely, prior to the committee hearing, Mr. Mirabella instructed the Association President to refrain from attending the hearing, when he well knew that she was always actively and personally involved in any committee hearing pertaining in any way to the Senior Arcade industry. Officers and other members of the Association for several years always accompanied Mr. Mirabella to such legislative functions. The fact that Gail as President was instructed not to attend this particular meeting underscores Mr. Mirabella's wish that she not be aware of his personal dealings.
4. Mr. Mirabella and his firm's contract with the association (copy attached) does contain an agreed upon "no conflict of interest" clause regarding the firm's representation of Spectre Gaming. The firm neglected to disclose its interest in and representation of Florida Gamco. Mr. Mirabella had a duty to disclose all potential conflicts, which he did not.
5. Through its financial interest in Florida Gamco and the potential financial gain to be realized from Florida Gamco's efforts in managing certain veterans' organizations amusement arcades, Mr. Mirabella and his firm placed their personal interests ahead of those of the Florida Arcade and Bingo Association.

As a result of all of the above, the association has terminated it's agreement with Mr Mirabella and his firm, and has been compelled to seek other lobbying representation. We ask that this matter be appropriately investigated and that sanctions, if warranted, be imposed. If any additional information is needed, please do no hesitate to contact us.

Very truly yours,

  
JIMMY WHITTING

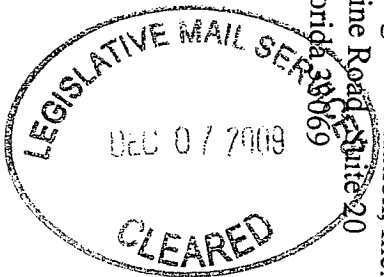
Treasure, Florida Arcade & Bingo Association, Inc.

JW/dpc

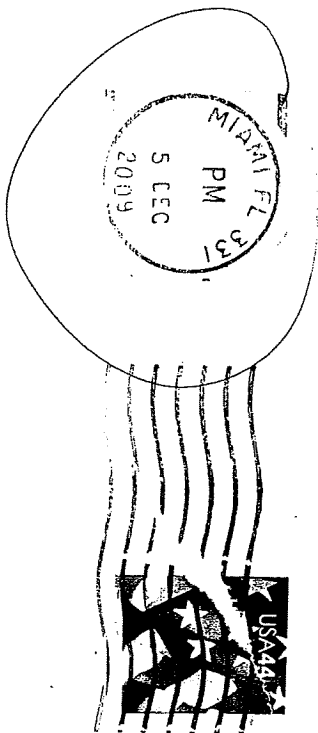
 Board member FAA

Jane Maestro FAA

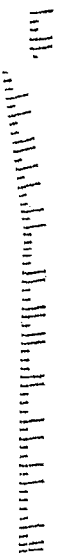
Florida Arcade & Bingo Association, Inc.  
1280 South Powelrine Road, Suite 20  
Pompano Beach, Florida 33069



The Honorable Bill Galvano,  
Chairman, Rules and Calendar Council  
Florida House of Representatives  
Room 418, The Capital  
Tallahassee, Florida 32399-1300



32399#1300 0001





**DRAFT COPY**  
sent on 12/17/09  
JH

# Florida House of Representatives

## Rules & Calendar Council

**Larry Cretul**  
Speaker

**Bill Galvano**  
Chair

December 17, 2009

Mirabella, Smith & McKinnon, Inc.  
521 North Adams Street  
Tallahassee, FL 32301

RE: Complaint 09-06

To Whom It May Concern,

Pursuant to the requirements of House Rule 16.2(b)(3), I hereby transmit the enclosed copy of the above-referenced complaint, received in the office of the Rules & Calendar Council on December 14, 2009. This notification is a routine requirement that should not be construed as approving, disapproving or passing any judgment on the complaint.

Within 20 days, I am required to examine the complaint and fulfill certain additional responsibilities set out in House Rule 16.2(b)(4)a.-d.

House Rule 16.2(g) provides that the complaint and accompanying records, including copies of this letter, are not available for public inspection until the dismissal of the complaint, a determination of probable cause or informal resolution, or the receipt of a written request from you to the Speaker that the records be made public.

If you have questions about the content of this letter or the procedures required by the House Rules, please contact me or Rules & Calendar Council Director, Stephanie Birtman, at 488-0350.



Page 2

Respectfully,

A handwritten signature in black ink, appearing to read "Bill Galvano", with a long horizontal flourish extending to the right.

Bill Galvano, Chair  
Rules & Calendar Council

Enc.