

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

JOHANNA FADDIS,

Plaintiff,

CASE NO.

v.

11-27981 CA 30

THE CITY OF HOMESTEAD, JUDY WALDMAN,
ELVIS MALDONADO, STEPHEN SHELLEY,
JIMMIE L. WILLIAMS, III., WENDY LOBOS,
JOHN BURGESS, & PATRICK FRANKLIN, D/B/A.,
FRANKLIN INVESTIGATIONS, INC.

Defendants.

ORIGINAL FILED
ON SEP 01 2011
IN THE OFFICE OF
CIRCUIT COURT DADE CO
CIVIL DIVISION

COMPLAINT: INVASION OF PRIVACY

Plaintiff, JOHANNA FADDIS, by and through undersigned counsel, sues the Defendants, THE CITY OF HOMESTEAD, hereinafter, ("THE CITY"), JUDY WALDMAN, hereinafter, ("Waldman"), ELVIS MALDONADO, hereinafter, ("Maldonado"), STEPHEN SHELLEY, hereinafter, ("Shelley"), JIMMIE L. WILLIAMS, III., hereinafter, ("Williams"), WENDY LOBOS, hereinafter, (Ms. Lobos), JOHN BURGESS, hereinafter, ("Burgess"), & PATRICK FRANKLIN, d/b/a Franklin Investigations, Inc., hereinafter, ("Franklin"), and alleges as follows:

JURISDICTION AND VENUE

1. The damages giving rise to this cause of action exceed fifteen thousand dollars (\$15,000.00).
2. All of the named Defendants are situated, live and/or maintain professional business offices in Miami-Dade County, Florida.

3. The events giving rise to all causes action as plead within the instant suit against all of the named Defendants occurred in Miami-Dade County, Florida.

FACTS COMMON TO ALL COUNTS & CLAIMS

4. The Plaintiff, Johanna Faddis, was an employee with the City of Homestead, Florida for 16 years as of November 4, 2009, and at this time, she held the position/title of Deputy City Manager.

5. On December 2, 2009, without any complaints or grievances about work performance, conduct, or the handling of her duties as the Deputy City Manager, Plaintiff Faddis was terminated based upon the City's claim that it lacked enough work to keep the position of Deputy/Assistant City Manager, and therefore her termination was due to a "Reduction in Force".

6. Approximately nine (9) days before the Plaintiff was terminated, the Homestead City Council, its Mayor Steve Bateman and its Vice Mayor Judy Waldman met for a Special Call Meeting on or about November 23, 2009 which resulted in their collective authority, approval, and direction to their City Attorney, Richard Weiss of the Law Office of Weiss, Serota, Helfman, Pastoriza to commence an investigation into specific areas of potential wrong doing by then City Manager Mike Shehadeh (See **Plaintiff's Exhibit 1**: two pgs. of February 1, 2010, report from Defendant Patrick Franklin of Franklin Investigations, Inc.).

7. On December 21, 2009, and January 4, 2010, Defendant Patrick Franklin accompanied by City Attorney Brett Schneider of Weiss, Serota, Helfman, Pastoriza, met with each City Council Member who include Co-named Defendants, Elvis Maldonado, Stephen Shelley, Jimmie L. Williams, III., Wendy Lobos, John Burgess, and the City's

Vice Mayor Judy Waldman for the express purpose of narrowing the areas of Defendant Franklin's investigation into possible/potential wrongdoing on the part of Mike Shehadeh, and the four (4) areas identified by all of the individually named co-defendants to Defendant Patrick Franklin were:

- Mr. Shehadeh's participation and support of political activity
- Any misconduct by Mr. Shehadeh's towards Council Members
- Any misconduct by Mr. Shehadeh towards regular City citizens
- The City's business dealings with a company named HSQ

8. On Wednesday, February 3, 2010, then Acting City Manager, Sergio Purrinos, on behalf of the City of Homestead, directed Gerardo Estrada of the City's Information Technology Department to provide him with eight (8) CDs containing all of the text/PIN messages sent or received by Mike Shehadeh from his City issued Black Berry cell phone from off the City's server (See Plaintiff's Exhibit 2: deposition excerpts of Gerardo Estrada, pgs. 24-25, deposition of September 29, 2010).

9. The City of Homestead, through its Acting City Manager, Sergio Purrinos, distributed these 8 CDs, which contained all of the text/PIN messages from all City employees with City issued Black Berry cell phones, to the City's Attorney, Richard Weiss, Esquire, the City's Council Members, and its Vice Mayor, Co Defendant Judy Waldman (See **Plaintiff's Exhibit 3**: pgs. 28-29; 31-32 of Gerardo Estrada's deposition of September 29, 2010), these text/PIN messages covered the period of September 21, 2009 thru February 2, 2010.

10. Defendant Patrick Franklin, per his own report dated February 10, 2010 (**Plaintiff's Exhibit 4**), admits that on February 5, 2010 he also received a copy of a CD

containing all of the text/PIN messages from all Black Berry cell phones issued by the City of Homestead for the time period of September 21, 2009 thru February 2, 2009 and this cd did contain all of the text/PIN messages from and to Mike Shehadeh as well as all text/PIN messages from and to Johanna Faddis.

11. Co-Defendant, Judy Waldman, the City of Homestead's Vice Mayor, in February of 2010, confirmed to journalist/reporter Tim Elfrink of the NewTimes that Homestead City Council Members **"each have a CD"** with thousands of more text messages and PIN messages.

12. From February 10, 2010 through February 22, 2010, text/PIN messages sent from Mike Shehadeh's City issued Black Berry cell phone that were **ONLY** intended for Plaintiff Faddis, and her text/PIN messages intended for Mr. Shehadeh were fully reprinted in their exact verbatim sense throughout various South Florida publications and media outlets including: NBC Miami by Jeff Burnside & Brian Hamacher; the South Florida Times by Elgin Jones; NewTimes by Tim Elfrink, aka "Riptide"; The Miami Herald by Tania Valdemoro; and Calkins Media by Mike Dill (See **Plaintiff's Composite Exhibit 5**), and the content of their private text messages became the subject of a local NBC Miami television newstory.

13. The only means for the private text/PIN message communications between the Plaintiff and Mike Shehadeh to have gotten to newspaper publications and the media was through the acquisition and repeated copying of these private communications from off the City's server as requested and ordered by Mr. Purrinos, the City's Acting City Manager at the time, and then immediately distributed by his office to the City Attorney, the City Manager, Patrick Franklin, and the City's Council Members.

14. The reprinted text/PIN messages the Plaintiff received from Mike Shehadeh, and their communications were characterized by these media outlets and publications as “romantic” and “sexy”, and these stories about their communications were cast in a way to lead readers to believe that the Plaintiff, a married woman, had been taking part in a secret romantic and/or adulterous affair or relationship with Shehadeh.

15. From the time the City downloaded and acquired Mike Shehadeh’s text/PIN messages from off their own self contained server, as well as the Plaintiff’s text/PIN messages, February 3, 2010, thru to the full publication and disclosure of her private communications by the media as described *supra*, no effort or attempt was made by City, Defendant Patrick Franklin, the City Council Members, the Co-Defendants, nor Co-Defendant Judy Waldman, its Vice Mayor, to contact Plaintiff Faddis to find out the nature of these communications, nor did any of the named Defendants seek her permission to distribute and publish private and personal communications that in no way could be considered to be in furtherance of City business by any reasonable person.

16. The private text/PIN message/communications between Plaintiff Faddis and Mike Shehadeh were beyond the scope of the areas of particular concern as communicated by all of the named Defendants to Co-Defendant Patrick Franklin as per his personal meetings with each of them on December 21, 2009 & January 4, 2010 as expressly set forth in his report of February 1, 2010, and since none of the named Defendants contacted the Plaintiff after acquiring these private communications to inquire as to the context of these PIN messages, or to even further their investigation along the line of this new information (i.e. to determine if she was a victim of sexual harassment from her supervisor/boss), these private PIN/text messages were

intentionally, maliciously and/or recklessly allowed to be disseminated and/or leaked to media outlets as described *supra* for the purpose of emboldening & strengthening the City's position against their early & unilateral termination of Mike Shehadeh's employment contract as their City Manager.

COUNT 1: NEGLIGENCE

CLAIM 1: CITY OF HOMESTEAD

17. Plaintiff fully reincorporates paragraphs 4-16.

18. The City of Homestead fully recognized, understood and appreciated that its present and former employees used their City issued Black Berry cell phones for both business and personal use, and therefore the City had a **DUTY** to a Johanna Faddis to secure, protect, and keep confidential all of her private PIN/text messages and communications sent by her or received by her phone that were unrelated to the City's business.

19. In maintaining all of the text/PIN messages/communications from the City issued Black Berries issued and provided to past/present employees like the Plaintiff, the City **BREACHED** its duty to protect these private communications of the Plaintiff by distributing at least eight (8) CDs with these private/personal communications to and from her, thereby allowing these private communications to be fully reprinted in local newspapers in their exact/verbatim sense, thereby allowing and being the legal and proximate cause for the violating and infringing upon her Right of Privacy as guaranteed by Florida's State Constitution, Article I, Section 23.

20. Due to the Defendant's negligent publication, disclosure, dissemination and/or distribution of her private communications, the Plaintiff has suffered injuries and damages that were proximately caused by the Defendant's negligence as described *supra*.

21. The Plaintiff has complied with all pre-suit statutory requirements as per Florida Statute 768.28, as the Plaintiff announced her intention to seek redress and remedy for the publication, dissemination, and disclosure of her private communications to third parties.

WHEREFORE, the Plaintiff, Johanna Faddis, demands that judgment be entered against the Defendant, the City of Homestead, Florida for compensatory damages and any other relief within this Court's discretion to award including taxable costs.

COUNT II. INVASION OF PRIVACY: CITY OF HOMESTEAD

22. Plaintiff fully reincorporates paragraphs 4-16.

23. Defendant, the City of Homestead, intentionally and/or negligently publicized and disclosed private communications to and from Plaintiff Johann Faddis, taken from its self maintained server, to third parties by creating multiple copies of these unabridged, non-redacted private PIN/text messages, and thereafter, causing and/or otherwise allowing for the distribution and dissemination of these private communications that had no bearing, nor any relation, to the City business.

24. The content and verbatim reprinted PIN/text messages from Mike Shehadeh directed to the Plaintiff, intended only for her as private communications not related to the City's business as quoted in the various print media outlets and publications were highly offensive and were not of a public concern.

25. But for the actions and conduct of the City of Homestead, these private communications of Plaintiff Faddis would never have been publicized, disclosed, nor provided any opportunity to get to third parties.

26. The invasion of the Plaintiff's privacy by Defendant City of Homestead caused her outrage, mental suffering, shame, and/or humiliation as she is a person of ordinary sensibilities.

WHEREFORE, the Plaintiff, Johanna Faddis, demands that judgment be entered against the Defendant, the City of Homestead, Florida for compensatory damages and any other relief within this Court's discretion to award including taxable costs.

CLAIM 2: INVASION OF PRIVACY AGAINST JUDY WALDMAN

27. Plaintiff repeats and fully reincorporates paragraphs 4-16.

28. Defendant Judy Waldman gave publicity to the private and personal text/PIN message communications to and from Johanna Faddis' cell phone by delivering her personal copy of the CD that contained this information to third parties and/or public media outlets for the purpose of bringing publicity and disclosure to the Plaintiff's private communications.

Defendant Waldman's act of giving the Plaintiff's private communications to third parties and/or media as described *supra* for the sole purpose of bringing publicity to this private information, which DID bring publicity to the Plaintiff's private communications, was done in bad faith, or with malicious purpose or was in a manner that exhibited wanton and willful disregard of the Plaintiff's privacy right, and therefore was highly offensive, would be considered as such to a reasonable person; & was not a legitimate concern to the public.

29. Because this Defendant was one of the known privileged recipients of 1 of these 8 created, copied, and distributed CDs with the Plaintiff's personal/private PIN/text communications, the disclosure and publicity of this information makes this Defendant a Fabre Defendant as this Defendant's act of giving publicity to this private information was in a singular sense, and/or in concert with the other individually named Co-Defendants for participation and/or contributing to the acts/conduct that lead to the violation of the Plaintiff's privacy, and is therefore jointly and/or severally liable.

WHEREFORE, the Plaintiff, Johanna Faddis, demands that judgment be entered against the Defendant JUDY WALDMAN for compensatory damages and any other relief within this Court's discretion to award including taxable costs.

CLAIM 3: INVASION OF PRIVACY AGAINST ELVIS MALDONADO

30. Plaintiff repeats and fully reincorporates paragraphs 4-16.

31. Defendant Maldonado gave publicity to the private and personal text/PIN message communications to and from Johanna Faddis' cell phone by delivering his personal copy of the CD that contained this information to third parties and/or public media outlets for the purpose of bringing publicity and disclosure to the Plaintiff's private communications.

Defendant Maldonado's act of giving the Plaintiff's private communications to third parties and/or media as described *supra* for the purpose of bringing publicity to the Plaintiff's private communications, which DID bring publicity to her private communications, was done in bad faith, or with malicious purpose or was in a manner that exhibited wanton and willful disregard of the Plaintiff's privacy right, and therefore

was highly offensive, would be considered as such to a reasonable person; & was not a legitimate concern to the public.

32. Because this Defendant was one of the known privileged recipients of 1 of these 8 created, copied, and distributed CDs with the Plaintiff's personal/private PIN/text communications, the disclosure and publicity of this information makes this Defendant a Fabre Defendant as this Defendant's act of giving publicity to this private information was in a singular sense, and/or in concert with the other individually named Co-Defendants for participation and/or contributing to the acts/conduct that lead to the violation of the Plaintiff's privacy, and is therefore jointly and/or severally liable.

WHEREFORE, the Plaintiff, Johanna Faddis, demands that judgment be entered against the Defendant ELVIS MALDONADO for compensatory damages and any other relief within this Court's discretion to award including taxable costs.

CLAIM 4: INVASION OF PRIVACY AGAINST STEPHEN SHELLEY

33. Plaintiff repeats and fully reincorporates paragraphs 4-16.

34. Defendant Shelley gave publicity to the private and personal text/PIN message communications to and from Johanna Faddis' cell phone by delivering his personal copy of the CD that contained this information to third parties and/or public media outlets for the purpose of bringing publicity and disclosure to the Plaintiff's private communications.

Defendant Shelley's act of giving the Plaintiff's private communications to third parties and/or media as described *supra* for the purpose of bringing publicity to the Plaintiff's private communications, which DID bring publicity to her private communications, was

done in bad faith, or with malicious purpose or was in a manner that exhibited wanton and willful disregard of the Plaintiff's privacy right, and therefore was highly offensive, would be considered as such to a reasonable person; & was not a legitimate concern to the public.

35. Because this Defendant was one of the known privileged recipients of 1 of these 8 created, copied, and distributed CDs with the Plaintiff's personal/private PIN/text communications, the disclosure and publicity of this information makes this Defendant a Fabre Defendant as this Defendant's act of giving publicity to this private information was in a singular sense, and/or in concert with the other individually named Co-Defendants for participation and/or contributing to the acts/conduct that lead to the violation of the Plaintiff's privacy, and is therefore jointly and/or severally liable.

WHEREFORE, the Plaintiff, Johanna Faddis, demands that judgment be entered against the Defendant STEPHEN SHELLEY for compensatory damages and any other relief within this Court's discretion to award including taxable costs.

CLAIM 5: INVASION OF PRIVACY AGAINST JIMMIE L WILLIAMS, III

36. Plaintiff repeats and fully reincorporates paragraphs 4-16.

37. Defendant Williams gave publicity to the private and personal text/PIN message communications to and from Johanna Faddis' cell phone by delivering his personal copy of the CD that contained this information to third parties and/or public media outlets for the purpose of bringing publicity and disclosure to the Plaintiff's private communications.

Defendant Williams' act of giving the Plaintiff's private communications to third parties and/or media as described *supra* for the purpose of bringing publicity to the Plaintiff's private communications, which DID bring publicity to her private communications, was done in bad faith, or with malicious purpose or was in a manner that exhibited wanton and willful disregard of the Plaintiff's privacy right, and therefore was highly offensive, would be considered as such to a reasonable person; & was not a legitimate concern to the public.

38. Because this Defendant was one of the known privileged recipients of 1 of these 8 created, copied, and distributed CDs with the Plaintiff's personal/private PIN/text communications, the disclosure and publicity of this information makes this Defendant a Fabre Defendant as this Defendant's act of giving publicity to this private information was in a singular sense, and/or in concert with the other individually named Co-Defendants for participation and/or contributing to the acts/conduct that lead to the violation of the Plaintiff's privacy, and is therefore jointly and/or severally liable.

WHEREFORE, the Plaintiff, Johanna Faddis, demands that judgment be entered against the Defendant JIMMIE L. WILLIAMS, III, for compensatory damages and any other relief within this Court's discretion to award including taxable costs.

CLAIM 6: INVASION OF PRIVACY AGAINST WENDY LOBOS

39. Plaintiff repeats and fully reincorporates paragraphs 4-16.

40. Defendant Lobos gave publicity to the private and personal text/PIN message communications to and from Johanna Faddis' cell phone by delivering her personal copy of the CD that contained this information to third parties and/or public media outlets for

the purpose of bringing publicity and disclosure to the Plaintiff's private communications.

41. Defendant Lobos' act of giving the Plaintiff's private communications to third parties and/or media as described *supra* for the purpose of bringing publicity to the Plaintiff's private communications, which DID bring publicity to her private communications, was done in bad faith, or with malicious purpose or was in a manner that exhibited wanton and willful disregard of the Plaintiff's privacy right, and therefore was highly offensive, would be considered as such to a reasonable person; & was not a legitimate concern to the public.

42. Because this Defendant was one of the known privileged recipients of 1 of these 8 created, copied, and distributed CDs with the Plaintiff's personal/private PIN/text communications, the disclosure and publicity of this information makes this Defendant a Fabre Defendant as this Defendant's act of giving publicity to this private information was in a singular sense, and/or in concert with the other individually named Co-Defendants for participation and/or contributing to the acts/conduct that lead to the violation of the Plaintiff's privacy, and is therefore jointly and/or severally liable.

WHEREFORE, the Plaintiff, Johanna Faddis, demands that judgment be entered against the Defendant WENDY LOBOS for compensatory damages and any other relief within this Court's discretion to award including taxable costs.

CLAIM 7: INVASION OF PRIVACY AGAINST JOHN BURGESS

43. Plaintiff repeats and fully reincorporates paragraphs 4-16.

44. Defendant Burgess gave publicity to the private and personal text/PIN message communications to and from Johanna Faddis' cell phone by delivering his

personal copy of the CD that contained this information to third parties and/or public media outlets for the purpose of bringing publicity and disclosure to the Plaintiff's private communications.

45. Defendant Burgess' act of giving the Plaintiff's private communications to third parties and/or media as described *supra* for the purpose of bringing publicity to the Plaintiff's private communications, which DID bring publicity to her private communications, was done in bad faith, or with malicious purpose or was in a manner that exhibited wanton and willful disregard of the Plaintiff's privacy right, and therefore was highly offensive, would be considered as such to a reasonable person; & was not a legitimate concern to the public.

46. Because this Defendant was one of the known privileged recipients of 1 of these 8 created, copied, and distributed CDs with the Plaintiff's personal/private PIN/text communications, the disclosure and publicity of this information makes this Defendant a Fabre Defendant as this Defendant's act of giving publicity to this private information was in a singular sense, and/or in concert with the other individually named Co-Defendants for participation and/or contributing to the acts/conduct that lead to the violation of the Plaintiff's privacy, and is therefore jointly and/or severally liable.

WHEREFORE, the Plaintiff, Johanna Faddis, demands that judgment be entered against the Defendant JOHN BURGESS, for compensatory damages and any other relief within this Court's discretion to award including taxable costs.

CLAIM 8: INVASION OF PRIVACY AGAINST PATRICK FRANKLIN,
d/b/a FRANKLIN INVESTIGATIONS INC.

47. Plaintiff repeats and fully reincorporates paragraphs 4-16

48. Defendant Franklin gave publicity to the private and personal text/PIN message communications to and from Johanna Faddis' cell phone by delivering his personal copy of the CD that contained this information to third parties and/or public media outlets for the purpose of bringing publicity and disclosure to the Plaintiff's private communications.

49. Defendant Franklin's act of giving the Plaintiff's private communications to third parties and/or media as described *supra* for the purpose of bringing publicity to the Plaintiff's private communications, which DID bring publicity to her private communications, was negligent and/or reckless or was in a manner that exhibited wanton and willful disregard of the Plaintiff's privacy right, and was highly offensive, would be considered as such to a reasonable person; & was not a legitimate concern to the public.

50. Because this Defendant was one of the known privileged recipients of 1 of these 8 created, copied, and distributed CDs with the Plaintiff's personal/private PIN/text communications, the disclosure and publicity of this information makes this Defendant a Fabre Defendant as this Defendant's act of giving publicity to this private information was in a singular sense, and/or in concert with the other individually named Co-Defendants for participation and/or contributing to the acts/conduct that lead to the violation of the Plaintiff's privacy, and is therefore jointly and/or severally liable.

WHEREFORE, the Plaintiff, Johanna Faddis, demands that judgment be entered against the Defendant PATRICK FRANKLIN, D/B/A FRANKLIN INVESTIGATIONS, INC., for compensatory damages and any other relief within this Court's discretion to award including taxable costs.

COUNT 3: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS:

AGAINST DEFENDANT JUDY WALDMAN

51. Plaintiff repeats and fully reincorporates paragraphs 4-14, and specifically paragraphs 15-16.

52. Defendant Waldman, in her capacity as the City of Homestead's Vice Mayor independently sought, acquired and intentionally obtained a copy of the private PIN/text message communications as discussed *supra* between the Plaintiff and Mike Shehadeh.

53. Defendant Waldman was 1 of 8 people who received a full copy of the text/PIN messages on CD taken directly from the City's server, within 48 hours of the private/personal communications between the Plaintiff and Mr. Shehadeh being downloaded and copied.

54. Defendant Waldman's receipt and possession of her copy of the Plaintiff's private communications on CD, as requested by her, and the publication of these communications in South Florida's media were at or about the same time frame.

55. Defendant Waldman's past interactions, contempt, and dislike of former City of Homestead City Manager Mike Shehadeh, including her desire to have Defendant Franklin investigate an instance when she alleged Mr. Shehadeh was rude to her (as repeated by Defendant Waldman to the Miami Herald's Christine Veiga), caused her to distribute, publicize, and leak these personal/private PIN/text message communications between Plaintiff Faddis and Mike Shehadeh in bad faith and/or with malicious purpose, or in a manner exhibiting wanton and willful disregard of Plaintiff Johanna Faddis' Florida Constitutional right of Privacy as per Article I, Section 23.

56. Defendant Waldman's bad faith, wanton and willful disregard of the Plaintiff's privacy right, and/or malicious purpose or intent was in an effort to better the City's legal position in relation to Mr. Shehadeh's breach of employment contract case, as well as for the purpose of tarnishing his image and reputation while choosing to willfully disregard the impact and result this disclosure and publication would have upon Plaintiff Faddis.

57. Defendant Waldman's conduct was intentional or at least reckless, and her intent in this regard is seen through her continued quoted comments and ongoing remarks in public media outlets and forums as recent as statements made to Christina Veiga of the Miami Herald in the publication of July 3, 2011, where Defendant Waldman listed her complaints against Mike Shehadeh as "engaging in inappropriate behavior **with a subordinate female employee**", and due to such affirmative, strong, claims/statements by Defendant Waldman, this was in bad faith or with malicious purpose or was in a manner that exhibited wanton and willful disregard of the Plaintiff's human rights as she knew in advance and in every regard that the Plaintiff was/is a married woman, therefore Defendant Waldman intended her behavior/conduct to cause likely severe emotional distress to Plaintiff Faddis or should have known that this behavior/conduct would cause severe emotional distress to Plaintiff Faddis (See **Plaintiff's Exhibit 6**-Waldman's quote as publicly printed in the Miami Herald).

58. Defendant Waldman's conduct of allowing her personal copy of this CD that contained the private communications to and from Johanna Faddis' cell phonetext/PIN messages to get to a third party for its disclosure & publication, and Defendant Waldman's quoted statements/comments in the Miami Herald to Christina Veiga were

outrageous and went beyond all bounds of decency, and therefore was odious and should be regarded as intolerable in a civilized community.

WHEREFORE, the Plaintiff, Johanna Faddis, demands that judgment be entered against the Defendant, JUDY WALDMAN for compensatory damages and any other relief within this Court's discretion to award including taxable costs.

COUNT 4: DEFAMATION BY IMPLICATION AGAINST JUDY WALDMAN

59. Plaintiff fully repeats and fully reincorporates paragraphs 4-14, and specifically paragraphs 57-58.

60. Defendant Waldman, as per her quote and statement to Christina Veiga of the the Miami Herald regarding an inappropriate relationship with a female subordinate created a defamatory implication by omitting facts such as the vehement and strong denial of any type of inappropriate relationship by both the "female subordinate" and/or Mike Shehadeh.

61. Given the publicity that had already been given to the private/personal PIN/text messages communications intended for the Plaintiff and from the Plaintiff, Defendant Waldman meant to juxtapose these past publicized private/personal communications with and/or to coincide and/or be read in concert with her statement as made to the Miami Herald's Christina Veiga, and therefore can be reasonably read to impart the false innuendo, and these comments by Defendant Waldman suggested that she intended or endorsed the inference. (See *Jews for Jesus, Inc. v. Rapp*, 997 So. 2d. 1098, 1106-1107 (Fla. 2008...Florida Supreme Court expressly recognizing the tort of Defamation by Implication)).

62. Defendant Waldman's statements to the Miami Herald implied and created the reasonable inference of an inappropriate, offensive, false, and objectionable relationship engaged in between the Plaintiff and Mike Shehadeh, and Defendant Waldman's statements in this regard caused the Plaintiff injury and/or damage.

WHEREFORE, the Plaintiff, Johanna Faddis, demands that judgment be entered against the Defendant, JUDY WALDMAN for compensatory & actual damages, and any other relief within this Court's discretion to award including taxable costs.

Plaintiff demands a JURY trial as to all counts, claims, and causes of action set forth herein.

Dated this 1st day of September, 2011.

RESPECTFULLY SUBMITTED.

Law Office of Kelsay D. Patterson
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By:


Kelsay D. Patterson
Florida Bar No.: 119784

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Telephone: (305) 653-2333
eFAX: (781) 636-1632
www.patfranklininvestigations.com

EXHIBIT 1

February 1, 2010

City of Homestead
c/o Brett Schneider, Esq.
Weiss Serota Helfman
200 E. Broward Blvd., Ste. 1900
Fort Lauderdale, FL 33301

Re: Concerns of Potential Misconduct on the Part of City Manager Mike Shehadeh

Dear Sir:

As per your request and authorization, the undersigned conducted fact-finding relative to concerns of potential misconduct on the part of Mr. Mike Shehadeh. This is a summary of that fact-finding probe.¹

I. Purpose and Scope

On November 23rd, 2009, the Homestead City Council adopted a motion during a Special Call Meeting that Mr. Mike Shehadeh would remain on administrative leave and would be suspended with pay pending further action of the City Council on February 2nd, 2010. At that meeting, the Council directed the City Attorney to prepare or cause to be prepared a report relative to concerns of potential misconduct on the part of Mr. Mike Shehadeh.

On December 16th, 2009, the undersigned was retained by the Homestead City Attorney to undertake fact-finding regarding the Council's concerns over Mr. Shehadeh's potential misconduct and prepare a report. Specifically, the undersigned was asked to interview City Council members, catalog their areas of concern with respect to Mr. Shehadeh, and conduct fact-finding relative to those concerns.

At the outset, it must be noted that the undersigned was directed to complete this fact-finding and submit a report by the end of January 2010. During the time allotted an

¹ A comprehensive final report is attached herewith.

City of Homestead

Re: Concerns of Potential Misconduct on the Part of City Manager Mike Shehadeh

February 1, 2010

effort was made to follow up on every lead and contact every potential witness. This was not possible in every case, leaving potentially viable areas of inquiry unexplored, e. g., contacting City vendors, campaign contributors, former Council candidates, persons identified from Mr. Mike Shehadeh's phone records, former City employees, etc.

II. Summary of Council's Concerns regarding Mr. Shehadeh's Conduct

On December 21st, 2009 and January 4th, 2010, while accompanied by City Attorney Brett Schneider, the undersigned met separately with the Mayor, Vice Mayor, and each Council Member. The purpose of which was to provide each elected official an opportunity to make known their respective concerns regarding Mr. Mike Shehadeh. Based upon those meetings, the following general areas of concern were identified:

- Mr. Shehadeh's involvement or participation in political activity in connection with Homestead's November 2009 election campaign(s);
- Mr. Shehadeh's potential misconduct towards City Council Members;
- Mr. Shehadeh's potential misconduct towards citizens; and
- The City's business dealings, particularly as it relates to HSQ, while under Mr. Shehadeh's watch.

III. Summary of Fact-Finding

Council must be made aware that a significant number of current and former employee-witnesses are fearful of reprisal from Mr. Mike Shehadeh. Some came to tears when speaking of Mike Shehadeh. In two cases, "out of nowhere" Mike has suddenly begun calling former employees "just to say hi," and informed one of them he is now carrying a gun. Many witnesses, who were quite candid during off-the-record discussion, became reticent and withdrew significantly when placed under oath and on the record.

Following the meetings with the Council, the undersigned conducted formal (recorded) interviews of the below listed potential witnesses:

- | | |
|-----------------------------------|--|
| 1. January 6 th , 2010 | Human Resources Director Marcie Heese |
| 2. | Engineering & Environmental Services Director Julio Brea |
| 3. | Budget Coordinator Sandra Sylvestre |
| 4. January 7 th , 2010 | External Auditor Nestor Caballero |
| 5. January 8 th , 2010 | Human Resources Asst. Director Vivian Manach |
| 6. | City Manager's Office Volunteer Marleen Volkert |
| 7. | Parks & Public Works Director Robert Landen |
| 8. | Finance Dept. Administrative Asst. Alicia Mesa |

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO. 10-19469 CA 06

MOHD A. SHEHADEH, a/k/a
MIKE A. SHEHADEH,

ORIGINAL

Plaintiff,

v.

THE CITY OF HOMESTEAD, a
Florida municipal corporation,

Defendant.

EXHIBIT
2

283 Catalonia Avenue
Second Floor
Coral Gables, Florida
Wednesday, September 29, 2010
10:00 a.m. - 11:45 a.m.

DEPOSITION OF GERARDO ESTRADA

Taken before Mary Ann Collier, a Registered
Professional Reporter and Notary Public for the State
of Florida at Large, pursuant to Notice of Taking
Deposition filed in the above cause.

1 Let's take that statement in parts and let's
2 discuss that. It's true, is it not, that you or
3 someone working with you, and if it is someone working
4 with you, tell me who it is, generated a CD of
5 BlackBerry logs and messages contained on the city
6 issued computers?

7 A. Yes.

8 Q. It's true, is it not, that that CD was handed
9 by you to Mr. Franklin?

10 ~~*~~ A. No. The CD was handed to Sergio Purrinos, ~~*~~
11 the city manager.

12 Q. Tell me why you chose to do that.

13 A. He's the one who requested the information.

14 Q. So it wasn't Mr. Franklin that requested the
15 information?

16 A. No. It was requested by the city manager, ~~*~~
17 the acting city manager, Sergio Purrinos.

18 Q. How many copies of the CD that have those PIN
19 messages, those text messages or these e-mail messages
20 were given by you to Mr. Purrinos? ~~*~~

21 A. I would say about eight.

22 Q. Why were eight given to Mr. Purrinos?

23 A. There was an initial request for the CD,
24 which I provided to him. I think it was a Wednesday.
25 Two days later two additional requests were made.

1 Q. Let's back up a minute. Mr. Purrinos
2 requested a CD from you?

3 A. Yes.

4 Q. Of what exactly? What were the words he
5 used?

6 A. He requested -- he wanted to know if we had
7 BlackBerry text messages, if we retained that
8 information. I told him we did. So he said I want a
9 copy. Before that he had asked for the web hits also.

10 Q. We are going to get to the web hits in a
11 minute.

12 Did he ask you in oral conversation or did he
13 send you an e-mail?

14 A. Oral, oral conversation.

15 Q. Did you ever confirm that conversation in
16 writing in an e-mail to him?

17 A. No.

18 Q. I am not suggesting you have to. I just want
19 to know if you did.

20 A. No, sir.

21 Q. And he was at that time an acting city
22 manager? *

23 A. Yes, sir.

24 Q. Are we talking about January still of 2010?

25 A. I want to say this is early February, like *

1 know how much information it was going to be. We did
2 one CD for web hits, one CD for text messages, so
3 there were two CDs, but subsequently they both fit on
4 one CD. So there are two CDs originally. I handed
5 them over to the city manager and I go here you go.
6 He goes I need another copy of these. So I created
7 two more CDs, one of web hits and one of text
8 messages.

9 Q. And that was also delivered to the city
10 manager?

EXHIBIT 3

11 A. It was right in the city manager's office
12 where I did it.

13 Q. You gave it to him?

14 A. I went to him and he said give that copy to
15 Richard. I gave Richard one copy of the CDs, the
16 other copy of the CDs I went to hand it to him and he
17 said give it to Anna. And I handed it to Anna San
18 Roman who was sitting right next to him.

19 Q. Assuming the first conversation took place on
20 a Tuesday or thereabouts, something like that.

21 A. Something like that.

22 Q. It doesn't really matter. I just want to
23 know whether there was one date two CDs and then
24 another date two more CDs. Right?

25 A. Yes.

1 * Q. And the second time, the second CDs, you
2 generated them yourself, those CDs, in the city
3 manager's office.

4 A. Yes, sir. *

5 Q. And also in attendance was not only Mr.
6 Purrinos, but the city manager, Mr. Richard Weiss, and
7 Anna San Roman?

8 A. Yes. *

9 MR. ABBOTT: Forgive me. Object to the form.
10 I think you misspoke.

11 BY MR. PEREZ:

12 Q. Tell me what is wrong with that statement,
13 Mr. Estrada. Who was in the room when you handed the
14 second set of CDs?

15 A. It really wasn't in a room. It was in the
16 admin area. The two admins were there, Mr. Purrinos
17 was there and Mr. Weiss would come by periodically.
18 It is not like we were having a meeting or anything
19 like that. I walked in, Sergio walked by. I go here
20 are the CDs you wanted. He said I want an extra set
21 of copies. So I sat at I believe Ms. Fernandez's
22 desk. I made the copies of the CD. I walked up to
23 him. He had stepped out of an office and I go here
24 are the two sets of CDs you wanted.

25 He goes give one to Anna there and the other

1 Q. At that time Ms. Fernandez's title was what?

2 A. She is the city manager's admin.

3 Q. Now we are into Friday of that week?

4 A. Yes.

5 Q. At that time had you spoken to a City
6 Councilperson directly about the CDs or the content of
7 the CDs?

8 A. I did receive multiple calls from Council
9 members.

10 Q. Who?

11 A. Ms. Lobos. *

12 Q. Who else?

13 A. Ms. Waldman. *

14 Q. Who else?

15 A. I believe Mr. Williams, * that Friday, asking
16 for CDs, at which point I told them I cannot provide
17 them a copy. They have to contact the city manager's
18 office. If the city manager instructs me to create a
19 copy, I will drop it off at the city manager's office
20 and they can get it there.

21 Q. Did all these phone calls take place on that
22 Friday with the City Council?

23 A. Yes.

24 Q. Any other City Councilperson contact you
25 regarding this?

1 A. Later on in the next week I was contacted by
2 Mr. Burgess, but he only wanted a copy of his own text
3 messages. He didn't want anybody else's text
4 messages, just his own.

5 Q. Did you give it to him?

6 A. I told him he had to call the city manager's
7 office, and if the manager instructed me to go ahead
8 and do so, I would do it, which I did. Once again,
9 delivered it to the city manager's office and took it
10 from there.

11 Q. On the CDs that you had already given to the
12 city manager or the assistant of the city manager, to
13 the city attorney, up to that point on that Friday,
14 how many BlackBerrys are we talking about there were
15 text messages on?

16 A. I think it was about 30 to 35 BlackBerrys.

17 Q. Are these all city-issued BlackBerrys?

18 A. Yes, sir.

19 Q. And they are issued to different employees of
20 the city?

21 A. Directors and managers as well as Council and
22 the city manager and assistant city manager.

23 Q. Now we are into the next week and Mr. Burgess
24 asked you for copies of his own text messages, which
25 were already on those CDs?

Franklin Investigations, Inc.
Regions Bank Building
633 N E 167th Street, Suite 1024
North Miami Beach, FL 33162
Telephone: (305) 653-2333
eFAX: (781) 636-1632
www.patfranklininvestigations.com

EXHIBIT 4

February 10, 2010

City of Homestead
c/o Brett Schneider, Esq.
Weiss Serota Helfman
200 E. Broward Blvd., Ste. 1900
Fort Lauderdale, FL 33301

**Re: Concerns of Potential Misconduct on the Part of City Manager Mike
Shehadeh; Supplemental Report**

Dear Sir:

Please attach this report to the original of February 1st, 2010.

After issuing my initial reports, the undersigned received several phone calls and anonymous tips concerning Mr. Shehadeh's conduct, including, but not limited to, his alleged improper use of his City computer and city-issued Blackberry. In the limited time available since issuing my initial reports, the undersigned followed up on the leads regarding Mr. Shehadeh's use of the City's internet access server and his city-issued Blackberry.

As part of this fact-finding inquiry, predicated upon the aforementioned leads, writer requested a records search for 1) all Mr. Shehadeh's website visits made through the City's computer system and 2) all Mr. Shehadeh's city-issued Blackberry logs (phone, PIN, SMS).

On Friday, February 5th, 2010, two CDs containing the requested data were received by the undersigned marked Web Hits and Blackberry logs (phone, PIN, SMS).¹

¹ The data collected and saved onto these CDs was authenticated and verified as accurately reflecting those computer files and Blackberry logs identified, retrieved, and saved (unaltered) during the sworn

City of Homestead

Re: Concerns of Potential Misconduct on the Part of City Manager Mike Shehadeh;
Supplemental Report

February 10, 2010

I. CD of Web Hits

According to the sworn statement of Mr. Jerry Estrada, this CD purports to contain Mr. Shehadeh's website visits made through the City's internet server as indicated by way of a search of all Mr. Shehadeh's log-ins under the password issued to him. All of Mr. Shehadeh's internet travels retained on the City's server were tracked through his password log-in, according to Jerry Estrada. Mr. Estrada indicated that the City does not currently have the software to allow the search capability for pinpointing specific dates, times, and length of website visits.

An inspection of the first CD, marked Web Hits, contains website visits from August 1st, 2009 thru November 15th, 2009. This CD contained evidence of website visits that may be deemed inappropriate.

Mr. Shehadeh's computer password shows the following website log-in history:

Goddessqetesh.com was visited five times between July 15th thru July 31st, 2009. Goddessqetesh is a self-described lifestyle BDSM (bondage, discipline, sado-masochism) "goddess."

Arablounge.com was visited 372 times from October 15th thru October 31st, 2009. Arablounge.com is a dating service for Arab singles.

WorldSingles.com was visited six times from October 15th thru October 31st, 2009. This site is a "metacrawler" with members from Arablounge.com, EligibleGeeks.com, IranianPersonals.com, and SoulSingles.com.

II. CD of Blackberry Logs

On Friday, February 5th, 2010, writer received a CD in response to the undersigned's request for Mr. Shehadeh's city-issued Blackberry logs. In reviewing the CD, it became clear that logs for other city-issued Blackberry devices were contained on the CD.²

statements of Jerry Estrada and Yaniel Corrales - the only two persons with total access to the system.

² Subsequent to my receipt of the CD containing the Blackberry logs, writer was advised during the sworn statement of Jerry Estrada that he did not have the time nor capability to

Investigator reveals Shehadeh sent romantic text messages to Deputy City

By MIKE DILL
mdill@calkins-media.com

Neither Shehadeh nor his attorney, Al Perez, were present at the meeting.

On Tuesday night, City Attorney, David Wojpin, advised council of the withdrawal of the public hearing request. The council then voted to accept the withdrawal and confirm Shehadeh's termination for "conduct unbecoming of a public official."

The Council then agreed to hold a public comment session on Wednesday in place of the public hearing in order to give the residents a chance to speak about the termination of Shehadeh.

It was revealed Shehadeh had sent numerous romantic text messages in a two and one-half month period to former Deputy City Manager, Johanna Faddis.

In a text message on October 5, 2009, Shehadeh wrote to Faddis: "I'm so attached to you emotionally and mentally to a point I feel life is worthless without you. I love you Johanna."

A text message on September 25, 2009, to Faddis reads: "I can never imagine that I

will ever love anyone like I love you. I was looking at you when you left and felt so much nostalgia. Te quaro (sic) mucho mi corazon (I love you much, my heart)."

From Sept. 21, 2009 to Nov. 3, 2009, Shehadeh sent many text messages of the same nature to Faddis.

On Oct. 29, 2009, Shehadeh wrote to Faddis: "Johanna, please allow me to say how much I love you. Every time I say it I feel I release some of the pressure building inside me."

Along with the finding of the text messages, it was revealed Shehadeh visited two websites for singles many times on his city computer. He also visited a website, www.goddessqetesh.com, five times in July 2009.

According to Franklin, Goddess Qetesh is maintained by a solo described as a bondage disciple and sadomasochism goddess."

According to the report, Shehadeh also visited www.arablounge.com 272 times.

Arab Lounge was described as dating service for Arab singles. The third site Franklin described was www.worldsiningles.com, which was visited six times.

Some residents were outraged when the new findings were revealed by Franklin last Thursday.

"It is disturbing that this is the conduct our public officials are displaying," said one resident who did not want to be named. "Is this really where my tax dollars are going? For a city manager to be viewing those websites and speaking to his assistant like that is unprofessional and unethical."

"And to think this is all happening online and the other residents' time

At the meeting on last Thursday, Vice Mayor Judy Waldman stated Shehadeh had sent a letter to all city employees to inform text messages sent on city issued cell phones were public record.

See MANAGER, 3A

EXHIBIT
5

HOMESTEAD

More accusations against ex-manager

New allegations of bad behavior have surfaced against Homestead City manager Mike Shehadeh, who was recently fired.

TANIA VALDEMORO
tvaldemoro@miamiherald.com

Settlement talks broke off late Thursday in the escalating fight between the Homestead City Council and former City Manager Mike Shehadeh, whom the council fired on Feb. 3, citing conduct unbecoming a public official.

Homestead City Attorney David Weiss said Friday that firm Weiss Serota Helfman, received a letter Thursday afternoon from Shehadeh's attorney, Leo Perez.

His will act as a formal notice that we are withdrawing former settlement offers regarding the foregoing matter," the letter said.

On Friday, Perez confirmed the impasse. He would not say why he withdrew his client's \$65,000 settlement offer.

Thursday morning, the Homestead City Council voted

5-1 to reject the \$265,000 deal, after council members received a private investigator's report alleging that Shehadeh used his city computer to visit a dominatrix site and used his city BlackBerry to text romantic messages to a female subordinate. A week earlier, the council had offered him \$100,000 to settle.



SHEHADEH

"I think it is still an outrageous amount of money," Mayor Steven Bateman said.

Said Perez: "They have destroyed a hard-working man's career."

Shehadeh's employment contract allows the council to dismiss him at any time, though it must pay him severance. With two more years remaining on his contract, it totals nearly \$500,000. If he is terminated because of "conduct unbecoming a public official," Shehadeh does not receive a payout.

After former Mayor Lynda Bell and three other council

members were defeated during the Nov. 3 elections, Shehadeh lost his political support on the council. After the election, Shehadeh went on administrative leave with pay. On Nov. 23, the council voted to suspend him with pay until Feb. 2. The city charter says the council cannot terminate the city manager within 90 days after an election.

Council members said Thursday their case for firing Shehadeh had become stronger. Earlier Thursday, private investigator Pat Franklin presented a report detailing fresh allegations of wrongdoing.

Weiss Serota hired Franklin, a former Miami Beach police detective, on Dec. 16 to investigate any misconduct by Shehadeh and to provide a written report.

Homestead has spent at least \$50,000 in legal and investigative fees on Shehadeh. Shehadeh declined to participate in the fact-finding investigation.

Perez did not attend Thursday's meeting.

"I cannot respond to the allegations because I was not there,"

he said.

Shehadeh could not be reached for comment.

Franklin said he received tips Shehadeh had improperly used his city computer and BlackBerry after his Feb. 3 fact-finding report became public. The investigator then requested and reviewed logs of his website visits and logs of BlackBerry PIN and SMS messages from Homestead's IT department.

The new report alleges the former city manager had visited a dominatrix website called "Temple of Goddess Qetesh" five times from his city computer between July 15 and July 31, 2009. From Oct. 15 to Oct. 31, 2009, Shehadeh visited dating website Arablounge.com 372 times as well as WorldSingles.com six times, the report said.

The report also alleged he used his city-issued BlackBerry to text romantic messages to his subordinate, then-Deputy City Manager Johanna Faddis.

A Sept. 9, text said: "I have a problem I cannot entertain another woman in my mind beside you. I am deeply in love

with you girl. I am getting deeper and deeper into it."

Faddis' lawyer, Neil Flaxman, could not be reached for comment Friday.

Court records show Shehadeh and his wife, Lyda divorced on Oct. 23, 2008, after 21 years of marriage.

The report also alleged Shehadeh may have assisted Bell in her reelection effort. An Oct. 21 text from Shehadeh to Bell said, "Every vote counts. Keep working. Ask Ana to do the same."

Finally, it said he had used his city-issued e-mail address to provide potential business opportunities to his brother, Nour. Nour Shehadeh is one of the owners of HSO, an engineering firm that has received city contracts since 2005.

The company is the subject of an internal city audit that has not been completed, Weiss said.

As a final step in his termination, the former city manager is entitled to a public hearing at 7 p.m. Wednesday at City Hall. He will hear the accusations leveled against him and have the chance to rebut them.



By Michael Miller



By Kyle Munzenrieder



By Michael Miller

News

Mike Shehadeh and Other Leaders' Racist and Sexy Texts Throw Homestead Into Chaos

By Tim Elfrink Mon., Feb. 22 2010 at 8:48 AM

Categories: **News**

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If you're like Riptide and you live in Miami, chances are you don't think about Homestead and our fine neighbors to the south, all that often.

But these last couple weeks, the good politicians of that southern burg have done everything they can to put their hamlet back on our radar by waging one of the craziest, sexiest, racist-iest text message scandals in South Florida history.

The fun all started in November when the city council voted to suspend City Manager Mike Shehadeh.

At the time, the move looked like a pretty standard, post-election house clearing by new council members. But when Shehadeh pushed the city for a bigger severance payout, commissioners pushed back with a private investigation by North Miami Beach's Franklin Investigations.

The results -- including a review of months of internet activity, blackberry messages and emails by Shehadeh and other leaders -- began trickling out this month. And the fallout has not been pretty.

Riptide caught up with Vice Mayor Judy Waldman on Friday to talk about the scandal, which has led to Shehadeh's ouster, a possible federal investigation and now, Waldman confirms, the resignation of the city's parks director for sending some seriously racist emails.

"All we've done for the last three months is deal with this absolute mess," Waldman says. "But there comes a time when you have to be accountable for what happens on city phones and emails. I don't know when people are going to understand that."

First, to Mike Shehadeh.

The council hired Franklin to investigate the former manager after he rejected a \$100,000



via City of Homestead

This is former Homestead City Manager Mike Shehadeh. He likes dominatrix websites, Arabs singles listings and sexy texts.

severance and asked instead for a \$265,000 payout.

The investigators were asked to look into whether Shehadeh had helped his brother's construction firm wrangle city contracts. When they looked into his emails and web traffic, they found that Shehadeh was fond of visiting a dominatrix site called "Temple of the Goddess Qetesh" and several Arab singles dating sites hundreds of times at work.

They also found a long list of sexual texts between Shehadeh and his deputy manager, Johanna Faddis. For example:

"I have a problem! I cannot entertain another woman in my mind beside you. I am deeply in love with you girl. I am getting deeper and deeper into it."

The city tried to meet about Shehadeh last week, but the former city manager was a no-show.

Then, on Friday, Robert Landen, head of the city's parks department, called it quits after a slew of inappropriate new texts and emails emerged.

Here's the star of the bunch, a joke forwarded by the departmental head, as reported by the South Florida Times:

"OMG!! Ur not going to believe this [expletive]!!! I got a tattoo of a ni*** on my shoulder, and now my [expletive] arm quit workin'!"



Waldman tells Riptide that city council members each have a CD with thousands more emails, texts and phone records from the Shehadeh investigation.



Landen, she says, won't be the last guy to fall in Homestead City Hall.

"Robert Landen sure isn't the only one in these records, and I feel bad that he's being singled out," Waldman says.

Tags:
Homestead, Mike Shehadeh



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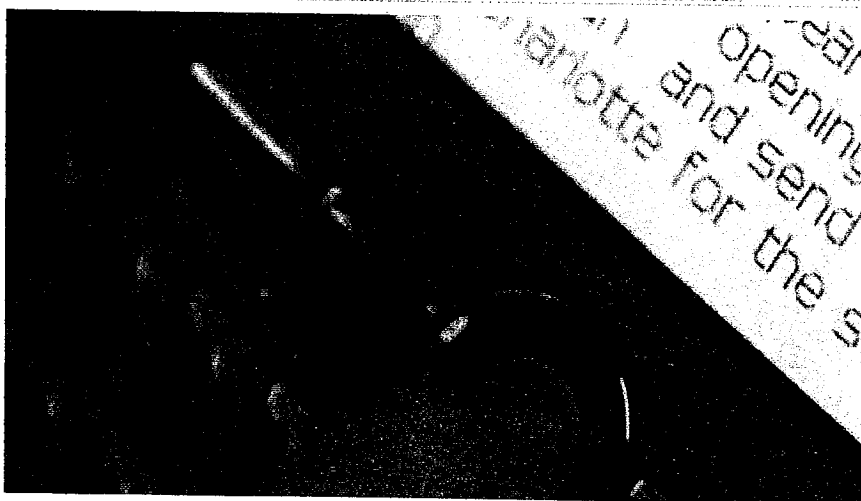
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Fired Sex Text Pol in Fight for Dough

Axed Homestead city manager wants lucrative compensation package

By Jeff Burnside and Brian Hamacher | Friday, Feb 12, 2010 | Updated 11:31 AM EDT

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Sex Websites, romantic text messages and nepotism are the weapons being used in a nasty political battle in Homestead after city manager Mike Shehadeh was fired for misconduct earlier this month.

At a city council meeting yesterday, a Homestead consultant revealed what he'd found, including the steamy texts between Shehadeh and former Deputy City Manager Johanna Faddis, which helped prompt a rejection of a reported \$265,000 severance package that the disgraced pol was seeking.

Investigator Pat Franklin said the texts fell into one of three categories of misconduct.

"Number one, Mr. Shehadeh's romantic feelings for former Deputy City Manager Johanna Faddis. The second, Mr. Shehadeh's involvement or participation in political activity. And third, additional evidence of Mr. Shehadeh's use of his city e-mail address to provide potential business opportunities to his brother, Noor Shehadeh," Franklin said.

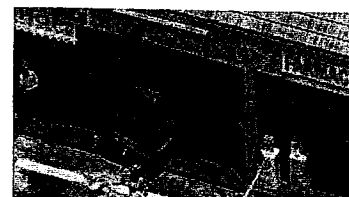
Shehadeh's sweet nothings included this:



"I can never imagine that I will ever love anyone like I love you. I was looking at you when you left and felt so much nostalgia. Te

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Salsa Star on Fatal Crash: 'Words Not Enough'



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FOLLOW NBCMIAMI

ROMANTIC TEXT MESSAGES PROMPT NEW MEETING ON FIRED HOMESTEAD MANAGER

Written by ELGIN JONES



HOMESTEAD — Former City Manager Mohammad Aref "Mike" Shehadeh professed his love for his married deputy in a series of passionate text message exchanges between the two.

"I have a problem! I can not [sic] entertain another woman in my mind besides you," Shehadeh wrote in a Sept. 22, 2009 text to then-Deputy City Manager Johanna Faddis, one of hundreds that he sent to her. "I'm deeply in love with you girl. I'm getting deeper and deeper into it!"

A *South Florida Times* investigation has uncovered logs that appear to show also that Shehadeh spent time on his city computer on sultry websites such as Goddessgetesh.com, a dominatrix site.

"This is a pornographic site in my eyes," Vice Mayor Judy Waldman said.

Homestead city council members have called a special meeting on Thursday, Feb. 11 to address the new evidence. Some council members say the newly discovered material supports their Feb. 3 decision to fire Shehadeh.



The new information came to light on Friday, Feb. 5, just two days after council members voted 6 to 1 on Feb. 3 to fire Shehadeh from his \$179,431-a-year job. Commissioners left open the possibility of a \$100,000 settlement, if an agreement was reached on a severance package.

"I just don't think he deserves any payments," Waldman said. "There is more than enough evidence to fire him and not pay him anything. He should not have done this on city time."

Councilman Jimmie L. Williams III agreed.

"I'm not sure of the format, but I can tell you that when they introduce this new evidence at the meeting, there will be an outpouring of public disgust," Williams said. "The evidence definitely exists, but I won't elaborate because it will all come out at the meeting."

He continued: "I would hope that he would gracefully bow out now, so we can end this without litigation. The evidence speaks for itself and at this point I am not in favor of giving him a dime of taxpayers' money."

Shehadeh could not be reached for comment, but his attorney said he just became aware of the new issues.

"I just heard about it (the special meeting) about an hour ago. I haven't had an opportunity to speak with my client, Mr. Shehadeh, and our private investigator is still gathering information, so I don't have a comment on it at this time," Shehadeh's attorney, Alfonso J. Perez, Jr. said on Tuesday afternoon.

"But I would love to see what new evidence they supposedly have," Perez said. "First of all, let me tell you this. They don't have the Blackberry, or the laptop, because they are both sitting right here on my desk. Now they may have gotten information from a bill or some other source, but it didn't come from his Blackberry or laptop."

Perez continued: "Second of all, I don't know about any websites and certainly don't have any information about any relationship with Mrs. Faddis. I met her, and she is a very nice person."

Perez also said he has not received any of those records, which include thousands of emails, text messages and call logs from more than a dozen employees and elected officials. He said he has been told they were "published around city hall."

"If this has happened, it is not fair to all of those people, and a gross invasion of privacy," he said.

While some of the text messages exchanged between Shehadeh and Faddis detail what appears to be a romance between the two, other messages detail arguments they had. Still others contain more detailed plans for lunch.

"I can never imagine that I will ever love anyone like I love you. I was looking at you when you left and felt so much nostalgia," Shehadeh stated in a text message from his city-issued Blackberry to Faddis on Sept. 9, 2009. "Te quaro (sic) mucho mi Corazon [I love you a lot, my dear.]"

Shehadeh did not attend the Feb. 3 meeting, and did not turn in any city materials that night, after council members voted to terminate his contract, which runs through December 2011.

Since then, Homestead police have been unsuccessful in their attempts to meet with Shehadeh at his home to recover his city-issued Blackberry and laptop computer.

The emails and text messages city officials have obtained were not taken directly from Shehadeh's Blackberry or laptop devices, but were captured with a software program the city uses to log all incoming and outgoing calls from Blackberries and other smart phones. The program also stores emails and text messages that are sent or received by all users of the devices, including those of elected officials.

Faddis could not be reached for comment.

Her attorney, Neal Flaxman of Miami, did not respond to messages at his office or emails seeking comment.

At the Feb. 3 meeting, Councilman Jon Burgess expressed a desire not to settle or pay Shehadeh a severance.

Shehadeh was on the job for more than 15 years, working his way up to deputy city manager, and eventually to city manager in 2008.

He was officially terminated due to conduct unbecoming a city manager, but the specific allegations are much broader.

A review that the city contracted to Franklin Investigations, Inc. of North Miami Beach determined that Shehadeh engaged in political activities for some council members, was rude to residents, and may have violated city policies.

Five of the seven incumbent council members were up for reelection in 2009, four of whom were Shehadeh supporters. After the Nov. 3 election, all four council members who supported Shehadeh were defeated.

Shehadeh and Faddis were both placed on administrative leave with pay after the new council members were sworn in to their offices.

Faddis was fired in December, but Shehadeh's contract did not allow for his termination until 90 days after the election, which set up the Feb. 3 termination meeting.

"This has gone on too long, and it's time for us to move on, because the taxpayers deserve it," Williams said. "This can only get worse, not better, because there are over 8,000 texts we have to go through, and who knows what we will find?"

The *South Florida Times* review also found some records of communication between council members.

There are also instances of certain employees using racial slurs, and more.

"We have to get this information before the residents," Williams said. "No matter where it goes, because they have every right to know."

EJones@SFLTtimes.com

Pictures: Former Homestead City Manager Mike Shehadeh, at top, and former Deputy City Manager Johanna Faddis, below.

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Fall From Grace

written by Sad Citizen; February 09, 2010

To call this a fall from grace does not show what has really happened. Very disappointed. Very disappointed.

Sad Citizen.

+0

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The Miami Herald

Posted on Sun, Jul. 03, 2011

Council pays \$250,000 to settle ex-city manager's lawsuit

By Christina Veiga
The Miami Herald

A saga of sex and politics is finally over — to the tune of \$250,000.

That's the amount for which Homestead City Council members narrowly agreed to settle a series of lawsuits filed by former City Manager Mike Shehadeh, who claimed he was discriminated against and unjustly fired last year.

The agreement denies any wrongdoing by either party and, for pension purposes, pushes back the date Shehadeh was fired by eight months. It also includes a letter to be sent from the city attorney to the former city manager — a single sentence confirming all issues have been resolved.

City Council members voted 4-3 to approve the settlement on Tuesday, with Mayor Steve Bateman, Vice Mayor Judy Waldman and Councilman Elvis Maldonado dissenting.

"I cannot support this agreement between the city and Mike Shehadeh," Waldman said. "Mr. Shehadeh was terminated after an independent investigation discovered that he committed numerous acts of unbecoming conduct as a city manager."

Waldman listed a litany of complaints against the former city manager. They included the following: "treating me in a rude and hostile and unprofessional manor, keeping me on a 'to do' list, seeking information about my son, visiting numerous inappropriate sexually-oriented and dating websites, engaging in inappropriate behavior with a subordinate female employee and cursing at a citizen."

Shehadeh's attorney, Alfonso Perez, responded to those accusations in a statement e-mailed to the Miami Herald. The attorney also wrote that Waldman has a "personal vendetta" against Shehadeh. Perez said:

- The former city manager sought information on Waldman's son "because the son's wife was going to do business with the city and a question about potential conflict of interest arose."
- Shehadeh denies visiting pornographic sites, and six others had access to his computer and password.
- Shehadeh and the female subordinate employee to whom Waldman referred deny ever having a relationship.

Shehadeh was ousted in February 2010 shortly after a new council was voted into office.

Among their first moves: to place the manager on administrative leave and hire a private investigator to look into his conduct.

The investigator's report claimed Shehadeh attended political functions, solicited campaign donations and discussed political strategy with council members who were swept out of office by the new council.

It also alleged the city manager used his city computer several times to visit a dominatrix website and online dating services, and sent romantic text messages to a married female subordinate using his city cell phone.

Further, the report claims Shehadeh split up contracts to avoid council review and award them to an engineering firm where his brother worked.

Perez said an internal audit revealed no improprieties with regard to the contracts awarded to the firm, HSQ.

After the allegations surfaced — and after 90 days passed, as required by City Charter — the council voted to fire Shehadeh for “conduct unbecoming a public official.” According to his contract, Shehadeh would not be entitled to any severance pay if fired for that reason.

Settlement negotiations shortly after the firing fell through. Shehadeh had asked for \$265,000. The city offered \$100,000.

Months later, Shehadeh filed a \$1.3 million lawsuit for breach of contract, claiming he was fired without cause. He sought \$1.3 million in damages, including more the \$500,000 in severance pay.

He also filed a whistle-blower lawsuit and a complaint with the Equal Employment Opportunity Commission.

Perez called Shehadeh's treatment “reprehensible. It's horrible, horrible, horrible.”

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Council pays \$250,000 to settle ex-city manager's lawsuit

By Christina Veiga
The Miami Herald

A saga of sex and politics is finally over — to the tune of \$250,000.

That's the amount for which Homestead City Council members narrowly agreed to settle a series of lawsuits filed by former City Manager Mike Shehadeh, who claimed he was discriminated against and unjustly fired last year.

The agreement denies any wrongdoing by either party and, for pension purposes, pushes back the date Shehadeh was fired by eight months. It also includes a letter to be sent from the city attorney to the former city manager — a single sentence confirming all issues have been resolved.

Shehadeh's attorney, Alfonso Perez, said Wednesday he had not yet received a signed copy of the settlement and therefore would not comment.

City Attorney Richard Weiss did not immediately answer a phone call asking how much the city has paid for legal fees for the case.

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