

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 06-255 (Executive Order of Suspension)

**WHEREAS**, Terence K. Pinder is presently serving as a Commissioner of the Opa-locka City Commission in Opa-locka, Florida; and

**WHEREAS**, on December 1, 2006, an Information was filed (a copy of which is attached and incorporated hereto as Exhibit A), charging Terence K. Pinder with four counts of grand theft in violation of section 812.014(2)(c), one count of petit theft in violation of section 812.014(2)(e), two counts of official misconduct of a public servant in violation of section 838.022, Florida Statutes, and one count of filing a false campaign statement in violation of section 106.19(1)(c), Florida Statutes; and

**WHEREAS**, violation of section 812.014(2)(c), Florida Statutes, constitutes a felony of the third degree; violation of section 812.014(2)(e), Florida Statutes, constitutes a misdemeanor of the first degree; violation of section 838.022, Florida Statutes, constitutes a felony of the third degree; and violation of section 106.19(1)(c), Florida Statutes, constitutes a misdemeanor of the first degree; and

**WHEREAS**, on or about November 27, 2006, a Statement of Facts in Support of Arrest Warrant was filed in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida by Detective Jessica Alvarez of the Miami-Dade Police Department and is attached and incorporated hereto as Exhibit B (hereinafter the "Statement"); and

**WHEREAS**, based on the Statement, a warrant for the arrest of Terence K. Pinder was issued; and

**WHEREAS**, according to the Statement, Commissioner Pinder, during the period from November 2004 to July 2005, used his City of Opa-locka-issued credit cards (Wachovia account numbers 4488-1498-0011-1336, 4488-1498-0010-3606, 4488-1490-0047-0383) and failed to fully reimburse or provide the City with receipts or other documentation for personal expenditures, including meals and drinks and hotel accommodations with former girlfriend Ginger Williams; and

**WHEREAS**, according to the Statement, examples of these transactions include, without limitation, a three-night stay costing \$350.74 at the El Palacio Hotel and Resort shared with Ginger Williams on Feb. 10, 2005; a meal costing \$88.21 with Ms. Williams' family at Applebee's on July 3, 2005, a meal costing \$155.44 with Ms. Williams' mother at P.F. Chang's China Bistro on April 13, 2005, a meal costing \$145.56 with Ms. Williams at Houston's on April 14, 2005, and a meal costing \$147.11 at Red Lobster celebrating the birthday of Ms. Williams' great-grandmother on July 31, 2005; and

**WHEREAS**, none of the aforementioned charges were for the conduct of legitimate City of Opa-locka business or the discharge of Commissioner Pinder's duties as a City Commissioner of the City of Opa-locka; and

**WHEREAS**, according to the Statement, the former City of Opa-locka finance director, Winston Mottley, advised Commissioner Pinder on or about March 2005, that Pinder's spending on city credit without receipts and other documentation violated section 100-03 of the City of Opa-locka's administrative policies and procedures manual; and

**WHEREAS**, despite such warnings, Commissioner Pinder continued to use the city-issued cards for personal expenses; and

**WHEREAS**, according to the Statement, Commissioner Pinder falsely listed on his Form 1 Statement of Financial Interests dated June 29, 2006, covering the calendar year 2005 and

Form 1 Statement of Financial Interests dated June 23, 2005, covering the calendar year 2004, as his employer under “Part A–Primary Sources of Income” an entity named “Slip-N Slide Records,” located at 919 4<sup>th</sup> St., Miami Beach, Florida 33139; and

**WHEREAS**, it is in the best interests of the residents of the City of Opa-locka, and the citizens of the State of Florida, that Terence K. Pinder be immediately suspended from the public office, which he now holds, upon the grounds hereinafter set forth;

**NOW, THEREFORE, I, JEB BUSH**, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, determine, and for the purposes of Article IV, Section 7(c) of the Florida Constitution and section 112.51, Florida Statutes, allege as follows:

A. Terence K. Pinder is, and at all times material hereto was, City Commissioner of the Opa-locka City Commission, in Opa-locka, Florida.

B. The office of the Opa-locka City Commission in Opa-locka, Florida is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7(c), Florida Constitution, and section 112.51, Florida Statutes.

C. The Information, which is attached and incorporated as Exhibit A, alleges that Terence K. Pinder committed acts in violation of the Laws of Florida and this Information is hereby incorporated as if fully set forth in this Executive Order.

D. This suspension is predicated upon the following grounds, each of which independently is grounds for suspension:

(1) the Information, attached and incorporated hereto as Exhibit A, which alleges the commission of two felonies (six counts) and two misdemeanors, including a misdemeanor related to the conduct of his office;

(2) the improper use of city-issued credit cards for personal expenses, in violation of law and the City of Opa-locka's administrative policies and procedures manual, which constitutes misfeasance, malfeasance and neglect of duty; and

(3) the filing of knowingly false Statements of Financial Interests required under state law, which constitutes misfeasance, malfeasance and neglect of duty.

E. Each of the aforementioned grounds for suspension are documented more fully in the attached Exhibits A and B, which are incorporated and set forth facts showing that through a pattern of conduct exhibiting misfeasance, malfeasance and neglect of duty, Commissioner Pinder has jeopardized the public trust and abused the privileges of his office.

F. If after execution of this suspension, additional evidence or documents are discovered that indicate further criminal conduct, malfeasance, misfeasance, neglect of duty, or additional constitutional grounds for suspension of Commissioner Pinder, this evidence will be incorporated by reference as if fully set forth in this Executive Order.

G. The acts alleged herein constitute the offenses of malfeasance, misfeasance, or neglect of duty under Article IV, Section 7(c), Florida Constitution and section 112.51, Florida Statutes.

**BEING FULLY ADVISED** in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is hereby promulgated, effective immediately:

Section 1. Terence K. Pinder is hereby suspended from the public office, which he now holds, to wit: City Commissioner for the Opa-locka City Commission in Opa-locka, Florida.

Section 2. Terence K. Pinder is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which

period shall be from the effective date hereof, until a further Executive Order is issued, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 6<sup>th</sup> day of December, 2006.

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GOVERNOR

ATTEST:

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Secretary of State