

**IN THE COUNTY COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

**STATE OF FLORIDA,
Plaintiff,**

Vs.

**SYLVIA POITIER
Defendant**

AFFIDAVIT TO ARREST

BEFORE ME, Judge of the Circuit Court in and for Broward County, personally came Broward Sheriff's Office Detective Brian McDonald, who, after being duly sworn, deposes and states:

Your Affiant, a Detective with the Broward Sheriff's Office conducted an investigation concerning allegations of Official Misconduct involving Commissioner Sylvia Poitier, City of Deerfield Beach, Broward County, Florida. Based on this investigation, your affiant has probable cause to believe that Sylvia Poitier committed the offenses of Falsifying Records contrary to F.S. 839.13.

BACKGROUND

In March 2005, Sylvia Poitier was elected Commissioner for the City of Deerfield Beach, serving the District 2 area of Deerfield Beach, Florida. On February 17, 2004, the Westside Deerfield Businessmen Association, Inc. ('WDBA') was appointed as the Community Housing Development Organization ('CHDO') for the City of Deerfield Beach. The CHDO is the organization used as the sub-recipient for the Community Development Block Grant Program ('Grant Program'), which receives federal grant subsidies provided by the United States Department of Housing and Urban Development ('HUD'). These funds are to be used for the acquisition, construction, or reconstruction of qualified low-income housing areas. The WDBA is a non-profit organization.

The Westside Deerfield Businessmen Association Inc. was incorporated within the State of Florida in 1995 and is currently still an active Florida corporation. On December 29, 2005, the Westside Deerfield Businessmen Association Inc began receiving HUD funding through the

Grant Program. Prior to her election to the City Commission, Sylvia Poitier worked for and was paid by the WDBA, and after her election remained a volunteer in the low-income housing endeavors.

This investigation began in April of 2010 after information was received that Sylvia Poitier had failed to inform the Deerfield Beach City Commission that she had a familial financial interest in the WDBA through her brother, Lionel Ferguson. If a City Commissioner believes he/she has a conflict of interest in a vote before the Commission it is mandated, pursuant to F.S. 112.3143, that a 'Form 8B – Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers' be filed with the City of Deerfield Beach and included in the minutes of the meeting. Form 8B states in part,

"A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law."

On October 21, 2010, a sworn statement was taken from Lionel Ferguson. Ferguson explained that in March 2006, his sister, Sylvia Poitier, who at the time was a Deerfield Beach City Commissioner and involved with the WBDA, proposed an investment opportunity to Lionel Ferguson in the form of paying delinquent property taxes on a number of homes owned by the WDBA. At the time of the request Felicia Poitier, daughter of Sylvia Poitier, was the Vice President of the WDBA and had held that position since 1995. Ferguson made an oral agreement with Sylvia Poitier that he would purchase the tax certificates on the delinquent WDBA properties and receive annual interest payments on the principal of the loan money. Ferguson was told by Sylvia Poitier that the amount due for the taxes was \$46,024.86. He stated that he proceeded to Washington Mutual Bank on March 30, 2006 and obtained a cashier's check (#577438427) made payable to 'Broward County Revenue' for the said amount. Ferguson stated in a follow up interview, that he had lent money to Sylvia Poitier on several occasions prior to March 30, 2006 and had always been paid back.

According to records obtained by your Affiant, the following are the tax certificates corresponding to properties owned by the Westside Deerfield Businessmen Association, purchased by Lionel Ferguson on or about April 3, 2006:

Property ID Number:	Tax Certificate Amount Paid
18201-06-00840	\$8,333.74
18201-06-00900	\$4,405.46
18201-06-00910	\$8,181.21
18201-06-00920	\$8,344.31
18201-06-00930	\$8,415.83
18201-06-00940	\$8,344.31
	Total: \$46,024.86

Among the records obtained through this investigation from the WDBA is an unsigned 'Deed of Trust Note' dated March 27, 2006 between the WDBA and Lionel Ferguson. The agreement states in part,

"I [WDBA] will pay interest monthly for 360 months beginning on the first day of the first month following the date of this note hereinabove, in the amount of \$977.89 and the principal sum of Forty Six Thousand Twenty Four Dollars and Eighty Six Cent (\$46,024.86) plus unpaid and accrued interest, on or before October 1st, 2011."

This agreement is consistent with the oral agreement Lionel Ferguson entered into with his sister, Sylvia Poitier.

Dan Poitier, the current executive director of the WDBA, and cousin of Sylvia Poitier's ex-husband, was interviewed as part of this investigation. Dan Poitier stated that he learned about the loan from Lionel Ferguson after Ferguson paid the taxes on the properties. Dan Poitier confirmed that Lionel Ferguson had not been paid back any money he loaned to WDBA. Dan Poitier further explained that the board members of the WDBA did not need to get his permission before obtaining a loan with Lionel Ferguson, and that he believed Felicia Poitier contacted Ferguson for the loan.

Felicia Poitier, current president of the WDBA and daughter of Sylvia Poitier, was also interviewed as part of this investigation. Felicia Poitier confirmed that she and her mother, Sylvia Poitier, discussed asking Lionel Ferguson for a loan to assist with paying the back taxes on the properties owned by WDBA. Felicia Poitier then stated that she and Sylvia Poitier called Lionel Ferguson and he agreed to loan WDBA the money. Felicia advised that she and her mother called and met with Ferguson to finalize the loan and the paying of the delinquent taxes on the properties.

INCIDENTS OF FILING FALSE REPORTS

May 9, 2006

At the Deerfield Beach Commission Meeting on May 9, 2006, Sylvia Poitier proposed 'General Item #2', which addressed the withdrawal of authority of the City Manager to award federal grant monies to the Deerfield Beach Housing Authority. She explained that the Housing Authority in Deerfield Beach, which oversaw the government allocated funds used for low-income housing, had created a limited partnership. Sylvia Poitier took issue to the way the Housing Authority was managing the subsidies under the limited partnership status. Sylvia Poitier asked for the support of the Commission in her request to withdraw the authority of the City Manager to enter into an agreement to write a \$100,000.00 grant originally designated to the Housing Authority. Rather, she stated that the WBDA is qualified and has the capacity to take on the responsibility. Commissioner Sylvia Poitier then made a Motion to Approve the item and then voted in affirmative.

As stated in the above paragraphs, Sylvia Poitier had secured a loan from her brother, Lionel Ferguson, to benefit the WDBA, three months prior to May 9, 2006 City Commission meeting. Although this loan had recently occurred, Sylvia Poitier failed to inform the City Commission, orally or in writing, that the conflict existed. Further, Sylvia Poitier failed to file a 'Form 8B - Memorandum of Voting Conflict Form.'

September 18-19, 2007***Count I of Warrant***

At the Deerfield Beach Commission Meeting on September 18, 2007, General Item #18 'Resolution 2007/224' came before the Commission for approval. This resolution approved the transfer of property located at 229 SW 2nd Avenue, from the City of Deerfield Beach to the WDBA for the purpose of constructing a single-family home.

The minutes and Commission Meeting video recording reflect that Commissioner Sylvia Poitier stated that item creates a conflict of interest for her. Commissioner Sylvia Poitier stated that her daughter, Felicia Poitier, currently serves as president of the WDBA and that Felicia had been a member of the Board since 1992. Commissioner Sylvia Poitier abstained from voting and stated she would file a Voting Conflict Form stating, "I want to alleviate the appearance of a conflict of interest." She completed the required Form 8B stating her conflict as "I want to alleviate the appearance of a conflict of interest. There are no remunerations to any Board Members of a 501c(4)."

On September 19, 2007, Sylvia Poitier falsified the Form 8B by intentionally omitting the fact that a conflict of interest involving her brother, Lionel Ferguson, a creditor to the WDBA, existed. Her failure to disclose the familial financial interest regarding Lionel Ferguson caused the remaining City of Deerfield Beach Commissioners to be ill-informed about the approval of 'General Item #18 Resolution 2007/224' and its potential to relieve the WDBA of the debt to Sylvia Poitier's brother.

November 6, 2007

At the Deerfield Beach Commission Meeting on November 6, 2007, 'Consent Agenda Item #9 - Resolution 2007/273' came before the Commission for approval. This resolution approved the reimbursement for rehabilitation expenses performed by the WDBA in the amount of \$44,518.00 from the City's General Fund.

The minutes and Commission Meeting video recording reflect that Commissioner Sylvia Poitier made no statements to indicate a conflict between herself, Lionel Ferguson, and the WDBA. Further, she failed to submit a 'Form 8B - Memorandum of Voting Conflict Form' to

indicate the same. Although the loan between Lionel Ferguson and the WDBA was in place on November 6, 2007, Sylvia Poitier voted in the affirmative of the reimbursement.

November 20-21, 2007

Count II of Warrant

At the Deerfield Beach Commission Meeting on November 20, 2007, 'Public Hearing #8 - Resolution 2007/296' came before the Commission for approval. This resolution clarified language in the property transfer of 229 SW 2nd Avenue to the WDBA.

Vice Mayor Sylvia Poitier declared a conflict stating that to avoid an appearance of conflict she would abstain from voting on the basis that she "was married to Dan Poitier's cousin." Vice Mayor Sylvia Poitier completed a 'Form 8B' with the explanation, "To avoid the appearance of a conflict because the last name." It should be noted that the last time Poitier declared a conflict of interest in regards to the WDBA it was due to the fact that her daughter, Felicia Poitier, was the president of the organization, not that Dan Poitier and Sylvia Poitier shared a last name. As well, on November 6, 2007, Sylvia Poitier failed to declare any conflicts or appearances thereof when items regarding the WDBA appeared before the City Commission.

On November 21, 2007, Vice Mayor Sylvia Poitier intentionally falsified the Form 8B by omitting that the conflict of interest involving her brother, Lionel Ferguson, existed. Her failure to disclose the familial financial interest regarding Lionel Ferguson caused the remaining City of Deerfield Commissioners to be ill-informed about the approval of 'Public Hearing #8 - Resolution 2007/296' and its potential to relieve the WDBA of their debt to Sylvia Poitier's brother.

March 18 / April 1, 2008

Count III of Warrant

At the Deerfield Beach Commission Meeting on March 18, 2008, 'General Item #22 - Resolution 2008/057' came before the Commission for approval. This resolution recommended the administration of the Community Housing Development Organization (CHDO) to the Westside Deerfield Businessman Association (WDBA).

Vice Mayor Sylvia Poitier declared a conflict stating that to avoid an appearance of conflict she would abstain from voting on the basis that she "was married to Dan Poitier's

cousin.” Vice Mayor Sylvia Poitier filed a 'Form 8B', but failed to write anything on the form at all.

On April 1, 2008, Sylvia Poitier intentionally falsified the Form 8B by omitting that the conflict of interest involving her brother, Lionel Ferguson, existed. Her failure to disclose the familial financial interest regarding Lionel Ferguson caused the remaining City of Deerfield Commissioners to be ill-informed about the approval of 'General Item #22 - Resolution 2008/057' and its potential to relieve the WDBA of their debt to Sylvia Poitier's brother.

August 19 / August 26, 2008

Count IV of Warrant

At the Deerfield Beach Commission Meeting on August 19, 2008, 'Consent Agenda Item #7 - Resolution 2008/191 came before the Commission for approval. This resolution authorized the disbursement of \$30,000.00 in outreach funding to the Westside Deerfield Businessmen Association.

Commissioner Sylvia Poitier stated that she has an appearance of conflict from Item # 7 on the agenda and that she must abstain from voting. Commissioner Sylvia Poitier did in fact submit a 'Form 8B -Memorandum of Voting Conflict Form' stating "Same last name as Dan Poitier."

On August 26, 2008, Sylvia Poitier intentionally falsified the Form 8B by omitting that the conflict of interest involving her brother, Lionel Ferguson, existed. Her failure to disclose the familial financial interest regarding Lionel Ferguson caused the remaining City of Deerfield Commissioners to be ill-informed about the approval of 'Consent Agenda Item #7 - Resolution 2008/191' and its potential to relieve the WDBA of their debt to Sylvia Poitier's brother.

March 17, 2009

At the Deerfield Beach Commission Meeting on March 17, 2009 'Consent Agenda Item #4' a resolution came before the Commission for the approval of an additional \$30,000.00 of outreach funding to the Westside Deerfield Businessmen Association. During this meeting, a financial statement of the WDBA was provided to all of the Commissioners to review. Lionel Ferguson's name appeared as a creditor on this statement in the amount of \$74,000.00. Sylvia Poitier never stated during this meeting that her brother appeared on the financial statement and was owed money by the WDBA. Rather Sylvia Poitier advocated on behalf of the WDBA to receive the funding and voted to approve the funding. She did not declare a conflict nor file a 'Form 8B - Memorandum of Voting Conflict Form.'

It should be noted that on August 19, 2008, Sylvia Poitier declared a conflict in regards to the WDBA due to the fact that she shared a last name with Dan Poitier. As well, on September 18, 2007, Sylvia Poitier used her relationship with her daughter as the reason why she should abstain from voting. As previously stated, Lionel Ferguson was not mentioned on either occasion. Sylvia Poitier's omission of the familial financial interest regarding Lionel Ferguson caused the remaining City of Deerfield Commissioners to be ill-informed about the approval of 'Consent Agenda Item #4' and its potential to relieve the WDBA of their debt to Sylvia Poitier's brother.

October 5, 2010

Count V of Warrant

At the Deerfield Beach Commission Meeting on October 5, 2010, the members of the Deerfield Beach City Commission discussed the discovery of the debt owed to Lionel Ferguson, Ferguson's relationship to Commissioner Sylvia Poitier, and Sylvia Poitier's failure to disclose this conflict to the Commission. During the meeting, Mayor Peggy Noland requested Commissioner Sylvia Poitier resign from the commission due to the recent Housing and Urban Development investigation into the mismanagement of Federal funds. Commissioner Sylvia Poitier stated in reply to the allegations of conflicts that she had no authority to authorize the WDBA into loans, and had no knowledge that her brother, Lionel Ferguson, had loaned money to the Westside Deerfield Businessmen Association.

During the meeting, another Commissioner referred to the City Commission Meeting held on March 17, 2009, and WDBA financial statement listing Sylvia Poitier's brother as a creditor. In response, Sylvia Poitier stated that the meeting minutes should reflect that she did declare that Lionel Ferguson was her brother. Sylvia Poitier claimed that on March 17, 2009 she told everyone that Lionel Ferguson was her brother. A review of the minutes and commission video from the March 17, 2009 meeting show that these alleged statements were never spoken by Sylvia Poitier.

The evidence obtained in this investigation show that the statements made by Sylvia Poitier on October 5, 2010 were materially false. In sworn statements of Lionel Ferguson and Felicia Poitier, it is asserted that Sylvia Poitier was aware and involved in the loan agreements between Lionel Ferguson and the WDBA. The false statements made by Sylvia Poitier caused the official record of the October 5, 2010 proceedings to be false.

Commissioner Sylvia Poitier further stated that she was under the impression that since her daughter Felicia Poitier does not receive any money from the Westside Deerfield Businessmen Association and that she is not related to Dan Poitier and she herself does not receive any money from the Westside Deerfield Businessmen Association that 'her vote should not make a difference.'

APPLICABLE FLORIDA STATUTES

Florida Statute 839.13 "Falsifying Records" states:

(1) Except as provided in subsection (2), if any judge, justice, mayor, alderman, clerk, sheriff, coroner, or other public officer, or employee or agent of or contractor with a public agency, or any person whatsoever, shall steal, embezzle, alter, corruptly withdraw, falsify or avoid any record, process, charter, gift, grant, conveyance, or contract, or any paper filed in any judicial proceeding in any court of this state, or shall knowingly and willfully take off, discharge or conceal any issue, forfeited recognizance, or other forfeiture, or other paper above mentioned, or shall forge, deface, or falsify any document or instrument recorded, or filed in any court, or any registry, acknowledgment, or certificate, or shall fraudulently alter, deface, or falsify any minutes, documents, books, or any proceedings whatever of or belonging to any public office within this state; or if any person shall cause or procure any of the offenses aforesaid to be committed, or be in anywise concerned therein, the person so offending shall be guilty of a misdemeanor of the first degree.

Based on the above facts your Affiant believes there is probable cause that Sylvia Poitier has committed the following offenses:

Count I

On September 19, 2007, at the time Sylvia Poitier did falsify or avoid any record, to-wit: the 'Form 8B', the act constituted a violation of F.S. 839.13(1), by failing to include her familial financial interest and relationship to Lionel Ferguson.

Count II

On November 21, 2007, at the time Sylvia Poitier did falsify or avoid any record, to-wit: the 'Form 8B', the act constituted a violation of F.S. 839.13(1), by failing to include her familial financial interest and relationship to Lionel Ferguson.

Count III

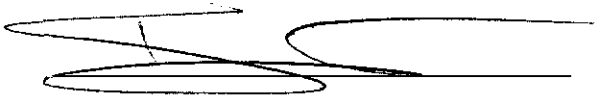
On April 1, 2008, at the time Sylvia Poitier did falsify or avoid any record, to-wit: the 'Form 8B', the act constituted a violation of F.S. 839.13(1), by failing to include her familial financial interest and relationship to Lionel Ferguson.

Count IV

On August 26, 2008, at the time Sylvia Poitier did falsify or avoid any record, to-wit: the 'Form 8B', the act constituted a violation of F.S. 839.13(1), by failing to include her familial financial interest and relationship to Lionel Ferguson.

Count V

On October 5, 2010, at the time Sylvia Poitier made material false statements to the members of the City Commission during a commission meeting, to-wit: denying the knowledge of the existence of the loan between Ferguson and the WDBA, the act constituted a violation of F.S. 839.13(1), as the statements caused the record of the commission meeting to be falsified.



Affiant, Detective Brian McDonald

Affiant Sworn to and subscribed before me this 11 day of April, 2011.



Judge Bernard I. Bober

CIRCUIT / COUNTY COURT JUDGE

**IN THE COUNTY COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

**STATE OF FLORIDA,
Plaintiff,**

Vs.

WARRANT TO ARREST

**SYLVIA POITIER
Defendant**

**IN THE NAME OF THE STATE OF FLORIDA, TO ALL AND SINGULAR THE
SHERIFFS AND CONSTABLES OF THE STATE OF FLORIDA:**

WHEREAS, **Detective Brian McDonald**, of the Broward County Sheriff's Office, who after being duly sworn, deposes and says that on September 19, 2007, November 21, 2007, April 1, 2008, August 26, 2008, and October 5, 2010, in the County and State aforesaid, one **SYLVIA POITIER (B/F 9/2/1935)** did then and there unlawfully commit the following crime(s):

Count I:

FALSIFYING RECORDS (839.13(1))

On or about **September 19, 2007**, **Sylvia Poitier**, while a public officer, to-wit: a City of Deerfield Beach Commissioner, did falsify or avoid any record, to-wit: the 'Form 8B' reflecting a voting date of September 18 2007, to-wit: **Sylvia Poitier** did fail to include her familial financial interest and relationship to Lionel Ferguson, contrary to Florida Statutes Section 839.13, and

Count II:

FALSIFYING RECORDS (839.13(1))

On or about **November 21, 2007**, **Sylvia Poitier**, while a public officer, to-wit: a City of Deerfield Beach Commissioner, did falsify or avoid any record, to-wit: the 'Form 8B' reflecting a voting date of November 20, 2007, to-wit: **Sylvia Poitier** did fail to include her familial financial interest and relationship to Lionel Ferguson, contrary to Florida Statutes Section 839.13, and

Count III:

FALSIFYING RECORDS (839.13(1))

On or about **April 1, 2008**, **Sylvia Poitier**, while a public officer, to-wit: a City of Deerfield Beach Commissioner, did falsify or avoid any record, to-wit: the 'Form 8B' reflecting a voting date of March 18, 2008, to-wit: **Sylvia Poitier** did fail to include her familial financial interest and relationship to Lionel Ferguson, contrary to Florida Statutes Section 839.13, and

Count IV:

FALSIFYING RECORDS (839.13(1))

On or about **August 26, 2008**, **Sylvia Poitier**, while a public officer, to-wit: a City of Deerfield Beach Commissioner, did falsify or avoid any record, to-wit: the 'Form 8B' reflecting a voting date of August 19, 2008, to-wit: **Sylvia Poitier** did fail to include her familial financial interest and relationship to Lionel Ferguson, contrary to Florida Statutes Section 839.13, and

Count V:

FALSIFYING RECORDS (839.13(1))

On or about **October 5, 2010**, **Sylvia Poitier**, while a public officer, to-wit: a City of Deerfield Beach Commissioner, did falsify the proceedings, to-wit: the Deerfield Beach City Commission Meeting of October 5, 2010 by uttering false statements before the Commission regarding her familial financial interest and knowledge of the financial relationship of Lionel Ferguson and the Westside Deerfield Businessmen Association, contrary to Florida Statutes Section 839.13.

The offense(s) set forth in the foregoing Warrant are contrary to the Florida Statute(s) in such case made and provided, and against the peace and dignity of the State of Florida. Attached hereto and made a part hereof by incorporation is the Affidavit to Arrest executed by Detective Brian McDonald.