

COMPLAINT

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom it is brought.

1. PERSON BRINGING COMPLAINT:

Name: Elizabeth Martinez Strauss Work Phone: (813) 857-0050
Address: 4122 W Palmira Ave Home Phone: ()
City: Tampa County: Hillsborough State: FL Zip Code: 33629

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

If you intend to name more than one individual or entity, please file multiple complaints. A person can be an individual, political committee, political party, electioneering communication organization, club, corporation, partnership, company, association, or other type of organization.

Name of individual or entity: Andrew Warren
Address: 701 South Howard Ave #106-813 Phone: (813) 682-9010
City: Tampa County: Hillsborough State: FL Zip Code: 33606

If individual is a candidate, list the office or position sought: State Attorney-13th Circuit

Have you filed this complaint with the State Attorney's Office? (check one) Yes No

Are you alleging a violation of Section 104.271(2), F.S.? (check one) Yes No

Are you alleging a violation of Section 104.2715, F.S.? (check one) Yes No

3. ALLEGED VIOLATION(S):

Please attach a **concise** narrative statement in which you list the provisions of the Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate provisions of Chapter 104 and Chapter 106, Florida Statutes. Please include the following items as part of your attached statement:

- The facts and actions that you believe support the violations you allege;
- The names/telephone numbers of persons whom you believe may be witnesses to the facts;
- A copy or picture of any political advertisement(s) you mention in your statement;
- A copy of each document you mention in your statement;
- An explanation of why you believe information you reference from websites is relevant; and
- Any other evidence supporting your allegations.

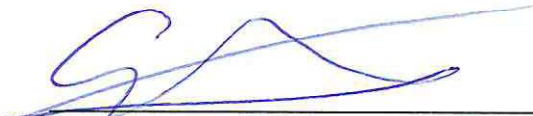
SEE REVERSE SIDE OF DOCUMENT FOR ADDITIONAL INFORMATION

*Any person who files a complaint while **knowing** that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.*

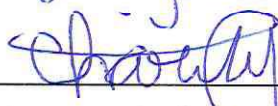
4. OATH:

STATE OF FLORIDA
COUNTY OF Hillsborough

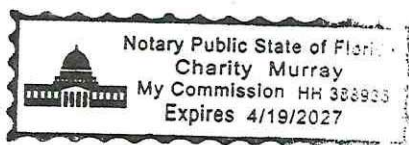
I swear or affirm that the above information is true and correct to the best of my knowledge.


Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 15 day of
July, 20 24


Signature of Officer Authorized to Administer Oaths or Notary Public

Charity Murray
(Print, Type, or Stamp Commissioned Name of Notary Public)



Personally Known _____ Or Produced Identification X

Type of Identification Produced Florida Drivers License

5. IMPROPERLY COMPLETED COMPLAINT FORMS MAY BE RETURNED:

- You **MUST submit this** completed complaint **form** in order to file a complaint.
- You **MUST** complete **ALL FOUR** of the above sections of this form. **DO NOT** leave any blanks.
- You **MUST** submit the **ORIGINAL** complaint form. Copied/faxed/emailed forms are returned.
- Each complaint can only be filed against **ONE PERSON** or **ENTITY**. If you wish to file against multiple parties, you **MUST** submit a complaint form **for each party** you wish to file against.
- **DO NOT** submit multiple complaint forms with one set of attachments applying to multiple complaints. You **MUST** attach **copies** of attachments **to each complaint** to which they apply.
- **MAKE SURE** the alleged violation(s) of **Chapters 104 or 106** occurred within the last **2 years**.
- **MAKE SURE** your complaint is **sworn** and there is **no defect** to the **notarization** in Section 4.

CONCISE NARRATIVE STATEMENT:

Florida Statute 104.271(2) makes it unlawful for a candidate to make a false statement about another candidate or cause one to be made. The following is a summary of unlawful actions by my Democratic Primary opponent, Andrew Warren.

- On June 11, 2024, I sent a letter (Exhibit A) to Mr. Warren which asked him to stop making misleading statements regarding his federal lawsuit against Governor Ron DeSantis.
- On July 2, 2024, *Politico* published an article¹ which quoted Andrew Warren's response to my letter. Mr. Warren told *Politico*, "I'm not concerned with dishonest, negative attacks."
- On July 13, 2024, Andrew Warren appeared on the *Florida You Judge* podcast.² When asked about his response to my letter in the *Politico* article, Mr. Warren responded, "I'm not talking specifically about her."
- On July 14, 2024, I provided the recorded podcast to *Politico* and asked them to correct the record of the July 2 article since Mr. Warren claimed he was not referring to me as dishonest.
- On July 15, 2024, *Politico* responded that Warren was specifically referring to my letter when he used the term "dishonest." (Exhibit B).

Accordingly, Mr. Warren maliciously and willfully called my letter dishonest in order to influence this election. I request the Florida Elections Commission to investigate this matter so that Mr. Warren will be held accountable for his actions which unfairly impugn my character as a candidate for public office. Thank you in advance for your prompt attention to this matter.

Sincerely,



Elizabeth Martinez Strauss
Democratic Candidate for State Attorney
13th Judicial Circuit of Florida

¹ <https://www.politico.com/newsletters/florida-playbook/2024/07/02/gov-prospects-open-up-their-personal-finances-00166203>

² <https://www.youtube.com/live/ytUZJrFbTBM?si=FNm9Znt0SHexNnyP> (See minute mark 15:45)

Dear Andrew,

It is time to face reality. I have supported you in your fight against Governor DeSantis because he abused his authority, but you are misrepresenting the facts about your legal case to the voters which can really harm Democrats in this election. You are repeatedly announcing that you won your case, which is patently untrue.

The 11th Circuit panel ordered: “We vacate and remand to the district court for further proceedings consistent with this opinion. On remand, the district court should reexamine whether DeSantis would have suspended Warren based solely on the unprotected activities that motivated the suspension: Warren's performance, his Low-Level Offense Policy, and his Bike Policy.”

Prior to that, Judge Hinkle who oversaw your case in the district court concluded: “And the suspension would have occurred even had there been no First Amendment violation—the First Amendment violation was not essential to the outcome. This order thus directs entry of judgment for the Governor.”

To be specific about your false claims, on February 13, 2024, you posted on Twitter: “the court ruled my suspension was illegal.” A Twitter user noted “That ruling isn’t final yet though, right? No judge anywhere has ordered that you be restored to the office, right? And you still haven’t asked the Florida Senate to reinstate you, even though it has the constitutional power to do so, right?” You are well aware of these facts, but you continue to misrepresent the matter to the public.

At a public speech on April 18, 2024, a voter asked why you believed DeSantis would not just remove you again if you won re-election. Your response was “That was my concern before the opinion came out in January and that’s why, even though, I wanted to run, I wanted to keep doing the job, I wanted to continue to serve this community as I had, I felt like it was a fools errand to run because I didn’t have the protections of the law behind me. Once the court ruled and has now told the governor ‘you’re not allowed to do this,’ and not only is it far less likely that he does it, it would be a willful violation of constitutional rights and contempt of court. I don’t even think this governor is brash enough to do that.” Are you kidding me? None of that is even somewhat true, but you did not expect to be recorded in that moment and spoke freely, just like when you pulled me aside after that event and urged me to back out because Judge Hinkle already had a new opinion written in your favor. Either that was an untrue statement to me or you have had unethical ex-parte communication with a federal judge.

At the Tiger Bay Club debate on May 17, 2024, you said: “The court rulings were crystal clear that suspension was politically motivated, that I had done nothing wrong, and that the governor broke the law by suspending me for violating my Free Speech right and essentially taking away your rights as voters.” No court has said the governor broke the law by suspending you. The only ruling is that some of his considerations were not proper, but that he would have removed you anyway for other reasons, which is all he legally needs.

All of these are misrepresentations. The Florida Bar Rules of Professional Conduct provide: “A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A

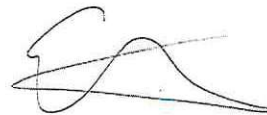
Exhibit A

misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements. For dishonest conduct that does not amount to a false statement or for misrepresentations by a lawyer other than in the course of representing a client, see rule 4-8.4.” FL Rule Professional Conduct 4-8.4(c) provides that “[a] lawyer shall not: engage in conduct involving dishonesty, fraud, deceit, or misrepresentation[.]”

When you sued Governor DeSantis in federal court, you sought the relief of being re-instated. You have not been re-instated, you have not won your court case, there is no final ruling, and no one has concluded DeSantis did not have the authority to do what he did. In fact, the Florida Supreme Court ruled last week that DeSantis did have that authority. You are in the same position you were in when you promised not to run because of the “cloud of uncertainty” hanging over your legal battle and your campaign is still, in your words, a “fools errand.”

If you win the primary, these issues will likely cause you to lose to Suzy Lopez. And even if you won the general, you would still lose again to DeSantis as the circumstances now stand. I know your friends in leadership in the Democrat party do not care, but the people of this county do. I am not saying you should back out of the election, but I am saying you should tell the voters the truth so they can make an informed decision. You have a moral duty as a political candidate and a legal duty as an attorney licensed in this state to correct the record. I hope you do the right thing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Martinez Strauss', with a stylized, cursive script.

Elizabeth Martinez Strauss



Elizabeth Strauss <lizstraussjd@gmail.com>

Request to Correct the Record

Kimberly Leonard <kleonard@politico.com>
To: Elizabeth Strauss <lizstraussjd@gmail.com>

Sun, Jul 14, 2024 at 10:12 PM

Andrew Warren was referring to your letter. There is nothing to correct. I won't have time to listen to the podcast because I'm in Milwaukee for the RNC but if they have a question you can give them my email.

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Kimberly Leonard
Florida Playbook Author | Politics Reporter | POLITICO
(786) 509-7345 | @LeonardKL
Sign up for our newsletter.

From: Elizabeth Strauss <lizstraussjd@gmail.com>
Date: Sunday, July 14, 2024 at 6:42 PM
To: Kimberly Leonard <kleonard@politico.com>
Subject: Re: Request to Correct the Record

EXTERNAL SENDER: Use caution with links and attachments.

Kimberly, Saturday a podcast asked Andrew Warren about his comment that politico quoted regarding my letter and he denied referring to it as dishonest and said he was not referring to that. As such, I have been asked by the podcast members and concerned citizens to reach out to politico to ensure the article is corrected to accurately reflect Andrew Warren's response to my letter. I take offense to a quote that refers to my letter "dishonest" when that is apparently not what he was referring to. I have attached the clip from the podcast where Warren is directly asked about his quoted response in the politico article. Please let me know if you have any questions and whether or not the article will be corrected.

Thanks in advance,
Elizabeth Martinez Strauss

On Jul 8, 2024, at 6:57 AM, Elizabeth Strauss <lizstraussjd@gmail.com> wrote:

[Quoted text hidden]

Exhibit B