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July 16, 2021

Via Electronic Mail

Tony Campaigne
430 Grand Bay Drive, Unite 1108
Key Biscayne, FL 33149
campaigne@gmail.com

Re: Key Biscayne Foundation and Melissa White v. Tony Campaigne

Dear Mr. Campaigne,

As counsel to the Key Biscayne Community Foundation, I am responding to the comments and accusations you have made about the Foundation and its leadership and advising you of the consequences of your published statements and slander.

Your paid for “columns” in the July 2 and July 15 Islander News, which you and others have republished through social media, and emails about Melissa White and other staff at the Foundation, establish that for whatever reason, you are on a malicious mission to destroy the reputations of the Foundation and Melissa White. While a handful of others seem dedicated to the same unworthy cause – we will be addressing them as well -- you have emerged as one of the principal voices of disparaging, malicious, and hateful falsehood.

Among your many false statements, you have accused Melissa White and the Foundation of violating the law and misappropriated taxpayer dollars. These statements are indisputably false, and constitute per se defamation made with actual malice. As has become quite clear, your only motivation is to cause harm to Melissa White and the Foundation and those who support them. Because you assert violations of law and the misappropriation of public monies, the statements constitute defamation per se.

You have written and said that the Foundation deploys Village dollars to support the Foundation’s charitable programs in Liberty City. While the prejudice you seek to invoke is transparent, the claim is false and defamatory as it suggests that the Foundation and its leadership is engaging in unlawful acts when you know or should know that it is not – or don’t know what you don’t know and wrote it anyway.

Every member of the community should be proud of the support that comes from this community's charitable giving through the Foundation to provide assistance to other communities. Your malicious attempt to place that important work in a false and defamatory light is shameful and actionable.

Your latest "column" published in the most recent Islander about the Foundation's role in the Village COVID testing program rests entirely on defamatory falsehoods. You have paid to have it published for the sole purpose of destroying the relationship between the Foundation and the Village and impairing the ability of the Foundation to meet its public interest goals. You were told that your information was false before it was published, yet you insisted on it being published, and even included the following language: ". . . I have it on authority that everything I am saying is true." It was not true, and you either knew it was not true or did not care. The consequence is the same.

Posing slander in the form of "questions" is no refuge. The intent to cause harm based on falsehood is the same.

So it is clear, you have maliciously chosen to cause enormous harm to one of the most important organizations in the Village. From time to time, the Foundation has been asked to provide public services for the Village and has done so proudly, competently and efficiently. In many instances, it raises additional funds to support the programs the Village has asked be performed and generally provides the additional services without charging any administrative service fee to the Village. Assisting with COVID testing is an example.¹ This has been a positive relationship for the Village and for the community that your defamatory words and slander are intended to destroy.

Additionally, you have made statements in the community that Melissa White and the Foundation "crossed the line" with regard to what a tax-exempt organization can do. That is also a defamatory falsehood. Charitable organizations have no restrictions on cause-related advocacy. They may conduct educational meetings, prepare and distribute educational materials, and address public policy issues. Indeed, tax-exempt organizations play a very important role in cause related advocacy throughout the country. Publishing statements that the Foundation is being operated improperly is enormously damaging to its reputation. It is the kind of defamatory statement that led to cases defining defamation per se, and eliminating the necessity of proving actual damages because the harm is obvious.

Your implication that Melissa White is not free to express her views without violating the law is similarly defamatory. One who serves as an officer of a charitable organization is completely

¹ The Foundation fronted the cost of the drive-through COVID testing for the Village, and was ultimately reimbursed \$94,575 – many months later -- for these costs by the Village. This amount did not include any Foundation staff time or other expenses related to the administration of the COVID testing program, which was performed by the Foundation as a service to the community. The Village was then reimbursed for these expenses from CARES Act funds.

free to exercise all of the rights of citizenship, including participation in all political endeavors, including public causes. Your public statements accusing Melissa White of violating the law by her advocacy for public cause are false, defamatory and malicious.

We are quite aware, of course, that you were part of the unsuccessful effort to defeat the Village government's proposed and now adopted bond referendum. The politics of smear and fear failed and the frustration of those who opposed it is quite evident.

The Foundation Board believed the bond issue was a worthy cause and public education about it warranted, and engaged in activities entirely consistent with federal law. A substantial majority of the voters shared that view despite the false narratives presented by you and others; which, no doubt, is why you and a handful of others, have taken to attacking a source of information the community believes to be reliable and credible.

Finally, because litigation is not unlikely, this is to advise you of your duty to not take any steps to alter, destroy or conceal evidence in your possession custody and control, whether in hard copy or electronic form, relating to any of the letters and ads you have written and published and communications with others about the same subject matters. The persons and subjects for which evidence retention is required includes but is not limited to the Key Biscayne Foundation, Melissa White, all officers, directors and agents of the Foundation, the factual claims you have published, former Chief of Police Charles Press, the relationship between the Village and the Foundation, Mayra Lindsay, Betty Sime Conroy, Luis Lauredo, Ignacio Seguro, Jennifer Allegra, Louisa Conway, Inbal Horovitz, the recent bond referendum and any and all Village public records requests.

With regard to your obligation to preserve evidence, we strongly suggest that you consult counsel forthwith about the necessity of doing so and the consequences of doing otherwise.

You have written that lines have been crossed. Indeed, they have been. Our hope that you and a few others would simply run out of energy for trying to destroy some of the most decent people in the community with hateful and malicious lies has been dashed. If anything, the hate is being ramped up, leading to a conclusion on our part that the only way to bring it to an end is in a court of law. There you will have the opportunity to explain yourself.

Before initiating litigation we are willing to discuss with your counsel what you can and must do to try to undo the harm you have caused. If you have not consulted with counsel about the limits of advocacy intended to harm others you should certainly consider doing so. You either do not know what the law is or mistakenly believe that the people you are trying to harm will continue to take it. They will not.

You may think that your lies are protected as opinions. They are not. You may think that you have a qualified privilege. You don't.

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If we do not hear from your counsel promptly, we will assume that our only choice is to bring these matters to the places where unresolved disputes are resolved.

Very truly yours,



Eugene E. Stearns

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