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PAGE ONE COMMENTARY

FKCC Trustee Married to Sex Offender Will Lead Hearing of Sexual Misconduct Charge against McBoyfriend

by Rhonda
Linseman-Saunders
Florida Keys Community College Trustee Kim Bassett will take the lead in hearing two grievances, including a sexual harassment complaint. But is Bassett able to

maintain objectivity when it comes to sexual allegations? I'm asking this question because her husband, Thomas Michael Mulhall, is a convicted sexual offender. He allegedly had enough kiddie porn stored on his computer to turn your

stomach. Not that it takes much kiddie porn to turn the stomach of the average adult without a child sex addiction. Mulhall has been required to register as a sex offender since 1999 when he was convicted

See FKCC page 4

A Closer Look at the SUFA Controversy

by Rick Boettger
Have you read the heart-warming story about the two cold-weather dogs, Chachi and Eva, who were suffering from our heat in the Keys? They were shipped from our local shelter to an affiliated shelter in Michigan. The happy ending is that they were adopted out within two weeks of their arrival, and now are both healthy and happy on northern farms. Unfortunately, you prob-

ably read only about the costs of sending them up north, in the context of a critical "audit" of that local shelter, Stand Up For Animals (SUFA). This highly successful and much-lauded organization has been destroyed by Monroe County's Clerk Danny Kolhage. He, illegally in my considered opinion, trumped up false charges to freeze their bank account, containing a quarter million dollars

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SUFA

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of SUFA's independently saved donations and grant moneys. This forced SUFA to close, because they could not pay their bills and employees.

What is doubly unfortunate is that only one side of the story about SUFA has been illegally leaked, and inappropriately published. SUFA's alleged "crimes"—commingled bank accounts, paying employee rents, accounting discrepancies, etc—were not incorrect at all by the terms of their contract. In fact, the only crime that has been committed is the highway robbery of a fine private business's independently acquired savings by an unscrupulous government agency. Yet these false charges against SUFA have been leaked before the non-profit could respond to them, which is illegal, and printed by a credulous press up and down the Keys. So SUFA's business AND reputation have been destroyed. (And people wonder why so many Americans fear and hate their government.)

I have never met Linda Gottwald, head of SUFA since she first got her contract for the Middle Keys in 2002. But she has sent me reams of contracts, audits, emails, and even her full financial spreadsheets from 2002 to the present, responding to every request for information I have made of her. In addition, KWTN has a thick file going back a decade on Keys' animal shelter issues. Finally, I have been following County budgeting issues for years, with an eye highly critical of their internal accounting capabilities and their general misuse of our tax monies.

To understand the current crisis, it is necessary to have at least a capsule overview of the history of Animal Control in the Keys. In 1998, the newly-privatized SPCA took over from the County as an independent contractor to run shelters up and down the Keys.

In their first two years,
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SUFA

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they ran into many problems, reported on by Terry Schmida in the *Citizen* on July 8, 2001. In brief, in two years the monthly rate of euthanizations of animals taken into the shelters had tripled, from 38 animals killed out of 236 taken in (16%) to 69 out of 142 (48%). A volunteer was quoted by name saying "[The SPCA president at that time] would promise other people that they weren't going to put a dog down, and then the next day, it would be dead."

Numerous other people were quoted by name supporting complaints about "outrageous" treatment of potential adopters, making it "much harder to adopt animals." Numerous former volunteers were quoted by name saying, e.g., "So many dedicated volunteers found it so uncomfortable working at the SPCA that they quit," due to the "abrasive personality" of the president. (Ultimately this president quit in 2006 after another *Citizen* article detailing an investigation of the SPCA's finances and operations.)

So this was the background for the County Commission's deciding to award the contract for Marathon and Big Pine to SUFA in 2002, letting the SPCA retain its contracts for Key West and Key Largo. Then, as now, the County staff were overwhelmingly against SUFA. But at that time, every single one of their objections was proven wrong by subsequent facts:

When SUFA's bid came in \$30,000 less than the SPCA's, County staff said it was unreasonably low, and SUFA would not be able to fulfill its terms. They were wrong. SUFA satisfied every term of its contracts for seven years at its reduced rates.

SUFA justified its low bid by saying they expected to attract enough grant money and private donations to make up the difference. County staff predicted SUFA would not be able to get such money. Staff

were wrong. SUFA attracted over a quarter million dollars in donations and grants, based on people's appreciation of their service.

Staff charged SUFA with being unable to acquire necessary staff licenses. SUFA easily did, once they were awarded the contract. County staff were wrong.

Additionally, staff admitted they did not vet the resumes of the bidders. Thus they were unprepared to answer charges that SUFA's director had falsified her relevant experience. These charges were later proven wrong, and SUFA's subsequent performance was the best evidence supporting the validity of her experience.

So that is the background for the current County Staff charges against SUFA. In the eight years SUFA has had the contract for Marathon and Big Pine, they have subsidized the County's contract with their own private grants and donations. Going forward, they bid to have the County actually pay for the services the County requires for its money. This meant asking for a \$25,000 increase, an increase they were actually required to request by terms of the prior contract.

The County used this request as an excuse to "audit" SUFA, to see whether the increase was justified. The results of this audit are what have been reported, prejudicially and unfairly, in Keys media since the summer. My objections to the audit and its reporting are numerous and substantial.

Most importantly, the basic premise of the audit is wrong. County staff apply the same financial accounting principles to SUFA, an independent services provider, as they would to county employees. But the 36-page, highly detailed contract they have with SUFA makes no mention of following such principles. In fact, quite the opposite. A number of clauses emphasize that SUFA is an INDEPENDENT services provider, and its employees are NOT county employees.

As the County well knows, by Federal tax law you are not allowed to pay people as independent contractors, but then subject them to the same oversight control as if they were employees. SUFA's job is to provide animal services, not the kind of detailed receipts that County employees have to provide. A big part of the movement towards privatization of government services which used to be done in-house is to avoid the stifling bureaucracy that government rules demand. Use of a government car is strictly controlled. How an independent contractor uses their car is none of the government's business, as long as the service, in this case animal control, is accomplished according to the contract.

Second, County staff apply a different set of standards to SUFA than to their other animal control agencies. For example, all agencies charge more than the County mandate of \$10 per adoption, which covers the County's overhead. The additional charges for all agencies are the same, covering medical expenses for spaying and the like. These charges were not covered by the County contract.

Third, the preliminary audit results were illegally released. They amount to a list of charges, made before the subject of the audit has had a chance to defend themselves. I have read the charges and defenses, and SUFA's responses to me are overwhelmingly positive. Further evidence of what I consider prejudicial and unfair coverage of these charges is the most recent reporting of SUFA's responses in the *Citizen* in November. In the first paragraph, before reporting a single one of what I consider SUFA's definitive responses, they lead by saying the auditors consider the responses to be "mostly without merit." The article goes on to quote the County's defenses of its own, in my opinion, deeply flawed audit charges, more extensively than they report
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SUFA

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SUFA's substantial answers.

For example, to follow up on my lead paragraph on Chachi and Eva. The County never sent northern animals up north to be saved and adopted. Neither did the SPCA. This was exactly the sort of initiative we as taxpayers want when we ask government bureaucracies to contract privately to groups like SUFA that take private-sector initiative to do things in a new

and better way. And SUFA, doing work such as teaming up with a northern shelter, accomplished it with independent money, money which they have already proved they raised for such actions (I have seen the annotated, canceled donation checks). Six other animals like Yuri, an older chow, and Bear, a timid shepherd mix, were previously adopted out up north, animals that would have continued to languish down here in SUFA's no-kill shelters—or even euthanized under County

protocols.

The bottom line is that SUFA has collected a quarter-million-dollar endowment which the County has frozen while County staff tries to justify what amounts to outright robbery. Danny Kolhage has destroyed an agency that performed not only its contractual obligations to the County, but provided further clinic, spaying, educational, and interstate services with its own resources, due to its ability to attract grants, donations, and large

numbers of capable volunteers happy to support its efforts.

The upshot is that the County has given the Marathon and Big Pine contracts back to the Florida Keys SPCA, at least on an interim basis. The good news is that as far as the animals are concerned, there are no bad guys here. We take excellent care of our animals in the Keys, it seems to me. I don't know the FKSPCA staff, but their current president is a neighbor of mine, who spent years creating our Dog Park at Higgs Beach, and I have the utmost respect for her. I applaud the SPCA's efforts to build a hurricane-proof shelter for Keys animals.

But a new bidder for the Middle Keys shelters will be a new group, SHARK, formed by the former President of the SPCA during its times of troubles, as described above. The County's requests for bids goes out next month and, as evidenced by emails I've read, it already looks like a done deal for SHARK.

Meanwhile, the County will be spending our tax dollars in litigation, while forcing SUFA director Linda Gottwald to spend her own money in SUFA's defense. She will un-

doubtedly prevail, after years during which we squander our tax money in pointless litigation and settlements, while losing the services of an extremely capable organization.

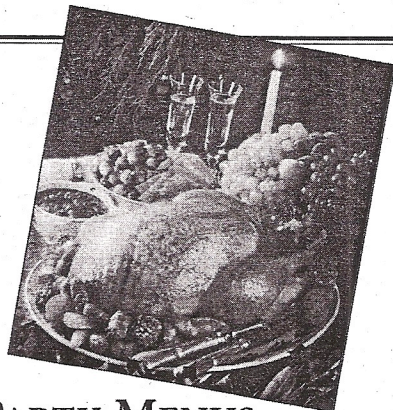
We can hope that if SHARK does indeed get the contract, they will manage their relationship with its volunteers and potential adopters better than the SPCA did ten years ago. Perhaps they can attract the same volunteers and donors who so ably supported SUFA. And their euthanasia policy may make more sense than SUFA's No Kill approach. Even at their peak in the 2001 figures reported above, the Southeast SPCA defended them by pointing out that "most shelters will have a euthanasia rate of around 75%, and compared to that, your averages [48%] are not bad at all."

I am no expert on animal control, and cannot judge whether a No Kill policy is appropriate for a community. But I do strongly believe that it is for the community involved to decide, and I do not believe our community is being properly served by the County's staff of auditors. If Marathon and Big Pine want to keep SUFA-like animal control principles, it is up to them to take the responsibility of making the
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SUFA

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decision. Marathon, in particular, created their own municipality, after years of struggles, exactly so that they could take control of decisions like these. They can blindly follow the County, or they can decide themselves what their community wants, and take over the process.

I am left with the words of just one of the many people who came to the Marathon shelter on its last day under SUFA, to adopt animals they feared would be killed under the County's new administration. Nancy Warner, President of Forgotten Felines, writes:

"The reason I adopted 'Happy,' my best dog ever, and several SUFA cats that would be considered 'unadoptable' under the definition of other animal agencies, was for two reasons:

"1. I have known Linda Gottwald from day one at SUFA and know that everything she did was for the animals. I did not

want her to leave this community knowing that many of the animals she intended to take, but was mandated by the County NOT to take, could be euthanized by any other agency the County chose to replace SUFA.

"2. I, along with other non-profit organizational leaders who care for animals on land, sea or air, am sick at heart as to the treatment the County gave to a fellow non-profit organization while it pats the backs of shelters with high kill rates. We wanted to show our united support for our unique no-kill shelter. SUFA supporters wanted to empty the SUFA shelters completely, but on the last day we decided to leave a total of 15 cats and 9 adoptable dogs... one of whom was Rudy, my dog Happy's best friend. Rudy was killed

by the County's new agency within days of its takeover, even though he had never been aggressive. Since our no-kill

philosophy was similar to that of SUFA's, Forgotten Felines volunteers will continue its mission for the sake of the cats, but feels deeply betrayed by the County which we thought we were helping."

Citizens and City of Marathon, it's your choice. Whom do you believe: an organization which has provided eight years of service you yourselves can judge, and which has earned a quarter million dollar endorsement in that time for the furtherance of their mission; or a County staff which has been historically incorrect in its analysis of animal control issues, and which wants to confiscate that money? Marathon, the decision, and the responsibility, is yours.

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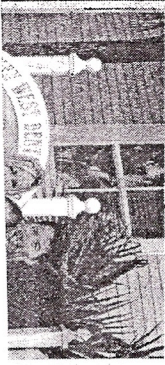
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