

Rod Velez sues Gov. Ron DeSantis and Daniel P. Foganholi to seek immediate appointment to Broward County School Board

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On Monday, January 9, 2023, Rod Velez, the winning candidate in the November 2022 run-off election for Broward County School Board, District 1, filed a lawsuit in Broward County Circuit Court against Governor Ron DeSantis and Daniel P. Foganholi, the person the Governor appointed to hold the seat won by Velez. The lawsuit seeks a judicial determination that Velez is the rightful person entitled to hold office representing District 1 on the Broward County School Board, and a court order that he be sworn into that office in accordance with the will of the voters who elected him by nearly five points in November.

Despite his electoral victory, Velez was subjected to both a criminal investigation and a civil lawsuit filed by the candidate who lost the run-off to Velez, both relating to Velez's eligibility to hold office due to a felony conviction Velez incurred nearly 30 years ago. Velez's lawsuit argues that Florida voters' passage of Amendment 4 in 2018 restores former felons' rights to hold office after the completion of all terms of sentence. Ultimately, the Broward State Attorney's Office declined to prosecute Velez, and Velez secured an order of dismissal in the civil case.

After securing those legal victories, Velez sought to be sworn into office on the School Board on December 22, 2022 but was unable to take office because the Governor issued an executive order that day declaring a vacancy in the seat won by Velez. The Governor then appointed Daniel P. Foganholi to the position.

Velez stated: "I am continuing this fight for all of our children and returning citizens. I am a firm believer that education is the key to our children's success and that the preservation of our country and Constitution depends on the development of each new generation of citizens. I am looking forward to having the court affirm my legitimate right to represent the people of Broward County, as elected by the voters of District 1."

Velez's attorney, Marc A. Burton, stated: "We believe the Governor exceeded the authority granted to him by the Florida Constitution in denying Rod Velez the office to which he was elected. The voters of District 1 chose Rod Velez to fight for the children of Broward County, and we are confident that the Court will reach the right decision to effectuate the will of the voters."

Velez's attorney, Adam A. Schwartzbaum, stated: "I am proud to partner with The Burton Firm to bring this lawsuit to vindicate the rights of Rod Velez and the voters of Broward County who elected him. We hope that the Court will speedily determine the important Constitutional issues raised by Velez's lawsuit in order to limit any potential disruption to governmental operations."

Rod Velez is represented by Marc A. Burton and Richard J. Burton of The Burton Firm, P.A. of Aventura, and Adam A. Schwartzbaum of Adam A. Schwartzbaum, P.A. of Miami.

A copy of the lawsuit can be downloaded at <https://theburtonfirm.box.com/v/1-9-2023-Velez-Petition>.

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