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IN THE BROWARD COUNTY, FLORIDA, CHARTER SECTION 10.01
ENFORCEMENT HEARINGS FORUM

CAROL J. BREECE,
Broward County Inspector General,
Plaintiff,

CASE NO. EH-2026-001

v.

ABIODUN AJAYI,
Defendant.

_____ /

DEFENDANT'S REPLY TO PLAINTIFF'S RESPONSE TO MOTION TO DISMISS

COMES NOW, Defendant Abiodun Ajayi, by and through the undersigned counsel, and replies to the Plaintiff's response to the motion to dismiss and, in support thereof, states as follows:

I. The Complaint's Failure to Explicitly Allege ICH Violations is Irrelevant to the Jurisdictional Analysis

Plaintiff contends that the Complaint does not allege violations of the Internal Control Handbook ("ICH"). The proposed distinction is substantively immaterial. The Defendant's Motion to Dismiss argues that because the ICH and the Human Resources Division provide a "comprehensive administrative enforcement framework" for the conduct alleged, an administrative agency "charged with enforcement" exists. Under Section 10.01(C)(1) of the Broward County Charter, if such an agency has jurisdiction, the matter **shall** be referred there. The Plaintiff's decision to ignore the ICH in its pleading does not dissolve the Human Resources Division's existing jurisdiction over County employee conduct.

II. The "Last Resort" Requirement of Section 10.01(C)(1) is Absolute

Although the Plaintiff relies on Section 1-13 of the County Code to argue that the County possesses the discretion to utilize administrative proceedings, this position is superseded by the Broward County Charter. As the County's organic law, the Charter explicitly restricts the Office of the Inspector General's ("OIG") use of a Hearing Officer to those narrow instances where "no civil, criminal, or administrative agency has jurisdiction." This jurisdictional limitation is reinforced by the mandatory language of Section 10.01(C)(1), which dictates that the OIG "shall" notify the appropriate agencies regarding potential violations. Under this statutory framework, a complaint before a Hearing Officer is a venue of last resort, permissible only for infractions not otherwise covered by the jurisdictional categories enumerated in paragraphs (1)(a) through (d). Because the conduct described—specifically campaigning while on duty and the misuse of public resources—falls under the established statutory jurisdiction of the State Attorney, the Florida Elections Commission, the Florida Commission on Ethics, and the Human Resources Division of Broward County, the OIG is precluded from bypassing these superior forums to maintain the matter within its own administrative venue.

III. Jurisdiction is Defined by the Nature of the Conduct, Not the Plaintiff's Desired Outcome

The Plaintiff's position rests on a jurisdictional non-sequitur. The Plaintiff argues that because they determined 'corrupt intent' was absent, the matter was outside the jurisdiction of the Florida Commission on Ethics. However, jurisdiction is defined by the nature of the alleged act, not the predicted success of the litigation. By assuming the role of the trier of fact regarding the intent element, the Plaintiff has effectively circumvented the mandatory referral process and usurped the statutory authority of the Florida Commission on Ethics. This administrative reclassification of the conduct serves only to avoid the independent procedural safeguards mandated by the Charter.

IV. The Plaintiff's Reliance on *Scott v. Haynes* is Misplaced

Plaintiff cites *Scott v. Haynes*, EH-2015-001, to argue that local governments can establish alternative enforcement methods. Defendant does not dispute that the County *can* establish such methods; rather, Defendant asserts that the OIG is bound by the *limitations* the County placed on those methods within its own Charter. Unlike the defendant in *Haynes* who argued general state-court preemption, the Defendant here points to the specific language of Section 10.01(C)(1), which restricts the OIG to this forum only when no other agency is available.

WHEREFORE, the Defendant respectfully renews her motion for this Court to dismiss the Complaint with prejudice.

Respectfully submitted this 26th day of March, 2026.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail to Hearing Officer Anthony Musto at villeanddale@gmail.com; the Broward Office of the Inspector General Agency Clerk at EHFAgencyClerk@broward.org and movidal@broward.org; and Katherine Y. McIntire at the Broward Office of the Inspector General at kmcintire@broward.org on this 26th day of March, 2026.

By: /s/ Larry S. Davis.
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