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June 23, 2026

Via email and Certified Mail

Stephanie Kienzle  
VotersOpinion.com  
7535 S.W. 26th Court  
Davie, FL 33314  
stephanie.kienzle@gmail.com

**RE: Statutory Demand For Retraction of False and Defamatory Statements Regarding Marline Monestime (Fla. Stat. §770.01)**

Dear Ms. Kienzle:

My law firm represents Marline Monestime, whom you have maliciously targeted by disseminating false factual information about her on VotersOpinion.com. These false and defamatory statements portray Ms. Monestime as a criminal and accuse her of conduct she did not engage in. These are not matters of opinion or public commentary; rather, they are false factual assertions that constitute defamation *per se* under Florida law.

**The False Statements**

Your publication makes three categories of false factual assertions about Ms. Monestime:

*First*, your publication contends that Ms. Monestime “was Michael Joseph’s hand-picked candidate for the job [City Manager] as a reward for covering his ass during the Algo Law Firm’s public corruption investigation” in the article published May 28, 2026 (*Michael Joseph’s bag of dirty tricks is overflowing. (Part 1)*). (<https://votersopinion.com/2026/05/28/michael-josephs-bag-of-dirty-tricks-is-overflowing-part-1/>). This statement, that Ms. Monestime violated Fla. Stat. §838.022, is false yet presented as a fact. Your publication continues to disparage Ms. Monestime by stating that she engaged in “questionable manipulations” and conspired to “push through” a “shady no-bid contract” with Figgers Communication Inc., indicating that she was part of an unlawful conspiracy to violate. These are not characterizations or opinions – they are stated as facts: that Ms. Monestime was complicit in “covering up” a public corruption scheme and actively participated in a corrupt procurement scheme. *But see Blake v. Ann-Marie Giustibelli, P.A., 182 So. 3d 881, 884* (Fla. 4th DCA 2016) (discussing types of statements that are defamatory *per se*). No court, grand jury, administrative body, or investigative authority has made any such accusation, let alone a finding to this effect, and stating

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otherwise to harm Ms. Monestime is actionable as unlawful. A statement is not shielded as “opinion” under Florida law simply because it uses colorful language; where, as here, it implies the existence of undisclosed defamatory facts or asserts a provably false fact, it is actionable. *Milkovich v. Lorain Journal Co.*, 497 U.S. 1 (1990).

*Second*, your publication states that Ms. Monestime “was responsible for” the loss of \$3.2 million in ARPA funds and “the draining of another half million dollars from the city’s reserves.” These are false statements of fact, presented as established truth, involving purported loss and/or waste of public funds. These statements are, *per se*, defamatory and were published to impugn Ms. Monestime’s reputation for honesty, integrity, and fiscal responsibility built during her professional career in public service. *See Hood v. Connors*, 419 So. 2d 742, 742 (Fla. 5th DCA 1982). Here again, no court, administrative body, or lawful proceeding has found Ms. Monestime responsible for these funds. Stating otherwise as fact to denigrate her is defamatory on its face.

*Third*, your publication places Ms. Monestime among employees who “filed complaints accusing Darvin Williams...of discrimination” based on race and dismisses those complaints as absurd. That statement is false as applied to Ms. Monestime. She has filed no discrimination complaint of any kind. The lawsuit she filed, *Monestime v. City of North Miami Beach and Darvin Williams*, S.D. Fla. Case No. 1:26-CV-23481, is a federal civil rights action under 42 U.S.C. §1983 for the deprivation of her constitutionally protected property interest in continued employment without due process. The complaint is a public document on PACER and contains no discrimination claim. Publishing that Ms. Monestime filed a race-based complaint is a false statement of fact, maliciously published to damage her reputation, and is not protected as opinion.

### **The Statements Are Not Protected Opinion or Commentary**

None of the statements identified above involves protected opinion on matters of public concern. That position is not supported by the law or the facts. Each statement identified above is either (a) demonstrably false or (b) presented in a way that implies the existence of undisclosed facts supporting the accusation, which Florida and federal courts treat as actionable regardless of any opinion framing. The use of words like “conspiracy,” “covering his ass,” “shady,” and “manipulations” to describe specific conduct attributed to Ms. Monestime in the context of public funds (or investigations involving them) is not protected hyperbole when the surrounding context conveys factual accusations and damning language that has negatively affected Ms. Monestime’s reputation and could adversely impact her ability to obtain future employment.

Moreover, publication of a defamatory false statement of fact after notice of its falsity—as provided by this letter—constitutes evidence of actual malice under *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), and its progeny. Whether Ms. Monestime is ultimately deemed a private figure

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(negligence standard) or a limited-purpose public figure regarding municipal governance (actual malice standard), the statements identified herein are actionable under either framework.

**Demand**

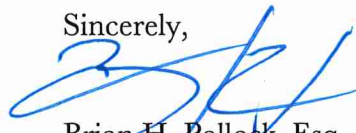
Within five (5) business days of receipt of this letter, we demand that you:

1. Permanently remove each of the three categories of statements identified above from VotersOpinion.com and any associated social media or mirror sites under your control;
2. Publish a correction of equal or greater prominence that accurately identifies the nature of Ms. Monestime's federal lawsuit; and
3. Confirm in writing to this office that the foregoing has been completed.

To the extent that Fla. Stat. §770.01 applies, which we do not concede, allowing you five (5) business days to comply would satisfy the presuit requirements imposed by this statute. Failure to comply will leave Ms. Monestime no choice but to pursue all available legal remedies, which may include claims for defamation and intentional infliction of emotional distress. She would seek injunctive relief and compensatory and punitive damages.

This letter is sent without prejudice to any and all claims and remedies, all of which are expressly reserved. We trust you will act accordingly and in a timely manner to remove the false and defamatory statements identified herein.

Sincerely,



Brian H. Pollock, Esq.  
[brian@fairlawattorney.com](mailto:brian@fairlawattorney.com)

bcc: Client (via email only)

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