

FIU



BOARD OF GOVERNORS
STATE UNIVERSITY
SYSTEM OF FLORIDA

2009 AUG 25 AM 10:29

Application for Board of Trustees Position

The information submitted will be used by the Board of Governors in considering action on your application. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Completed applications should be sent to the attention of Dr. Krista Kahn, Board of Governors, 325 W. Gaines Street, Suite 1614, Tallahassee, FL 32399-0400. Please type or print.

If appointed, you will be required to file financial disclosure statements.

8/25/09

Date Completed

1. Name: CARUNCHO, JOSEPH LOUIS
Last First Middle and/or (Maiden)

2. University Board of Interest: BOARD OF TRUSTEES

Are you applying for reappointment? Yes No

3. Residence Address: [REDACTED] PALMETTO BAY, MIAMI-DADE
Street City County

4. Current Employer or Occupation: CEO/PREFERRED CARE PARTNERS

Business Address: 9100 S. DADELAND BLVD./1250, MIAMI
Street Office#/Suite City

— 33156 305-670-8440
Post Office Box Suite Zip Code Area Code/Phone Number

jlc@mypreferredcare.com
E-mail Address

5. Specify the preferred mailing address: Business Home Fax # _____

6. List all places of residence for the past five (5) years.

Address [REDACTED] City and State PALMETTO BAY, FL. From 2002 To PRESENT

7. List all former and current residences outside of Florida that you have maintained at any time during adulthood.

Address N/A City and State _____ From _____ To _____

8. Date of Birth: [REDACTED] * Place of Birth: CUBA

9. Social Security No.: [REDACTED] *

10. Driver License No: [REDACTED] FL. * Issuing State: FL

11. Have you ever used or been known by any other legal name? Yes No If "Yes" explain.
JOSE LUIS CARDUNCHO, before
NATURALIZATION AS U.S. CITIZEN

12. Are you a United States citizen? Yes No If "No" explain.

13. If you are a naturalized citizen, date of naturalization: MARCH 15, 1977

14. Since what year have you been a continuous resident of Florida? 1962

15. Are you a registered Florida voter? Yes No If "Yes" list:
County of Registration MIAMI-DADE

16. Education:
A. High School: HIALEAH SENIOR Year Graduated: 1976
(Name and Location)

B. List all postsecondary educational institutions attended:

Name and Location	Date Attended	Certificates/Degrees Received
<u>MIAMI DADE COLLEGE</u>	<u>1976-1978</u>	<u>AA</u>
<u>FIU</u>	<u>1978-1981</u>	<u>BBA-FINANCE</u>
<u>NOVA SOUTHEASTERN</u>	<u>1981-1985</u>	<u>JURIS DOCTOR</u>

17. Are you or have you ever been a member of the United States armed forces? Yes No
If "Yes" list:
A. Dates of service: _____
B. Branch or component: _____
C. Date and type of discharge: _____

18. Have you ever been arrested, charged, or indicted for violation of any federal, state, county or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

Date	Place	Nature	Disposition
1/09	COVING GABLES	RESISTING w/o VIOLENCE	DISMISSED
SEE ATTACHED COURT ORDER			

19. Concerning your current employer and for all of your employment, including self-employment, during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment:

Employer Name and Address	Type of Business	Occupation/Title	Period of Employment
PCP 9100 SOUTH DADELAND BLVD. / #1250, MIAMI, FL 33156	HMO	CEO	1998 - PRESENT

20. Have you ever been employed by any state, district, or local government agency in Florida? Yes No If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment, and reason for leaving:

Position	Employing Agency	Period of Employment
LEGAL INTERN	U.S. SECURITIES & EXCHANGE COMMISSION	05/84 - 08/84 *

* LEFT UPON COMPLETING INTERNSHIP

21. State your experiences and interests or elements of your personal history that qualify you for this appointment.

SEE ADDENDUM "A"

22. Have you received any degree(s), professional certification(s) or designation(s) including awards related to the subject matter of this appointment? Yes No If "Yes", list:

- JURIS DOCTOR DEGREE
- LICENSED ATTORNEY IN FLORIDA
- AWARDS - SEE ADDENDUM "A"

23. Identify all association memberships and association offices held by you that relate to this appointment:

MEMBER, FL. BAR; CHAIRMAN, FIU FOUNDATION BOARD; MEMBER, MERCY HOSPITAL FOUNDERS SOCIETY; CHAIR (PAST), FLORIDA PREVENT BLINDNESS, BOARD OF GOVERNORS; MEMBER, FIU COLLEGE OF MEDICINE FOUNDERS SOCIETY; CHAIR, FIU COLLEGE OF BUSINESS DEANS COUNCIL.

24. Do you currently hold an office or position (appointive, civil service, or other) with the Federal or any foreign government? Yes No If "Yes", please list:

25. Have you ever been elected or appointed to any public office in this state? Yes No

If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district or state):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>

If your service was on an appointed board(s), committee(s) or council(s):

- A. How frequently were meetings scheduled? _____
- B. If you missed any of the regularly scheduled meetings, state the number of meetings attended, number missed, and the reason(s) for absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>

26. Have you ever served on any profit or not-for-profit board? Yes No

If "Yes", state the title, date of appointment, length of service, and provide a brief description of your involvement.

SEE ADDENDUM "B"

27. Have you ever been responsible or played a role in managing a business or other corporate entity? Yes No If "Yes", state the name of the business, the dates of your involvement, and provide a brief description of your involvement.

FOUNDER; CHAIRMAN & CEO OF PREFERRED CARE PARTNERS (SEE ADDENDUM "A")

28. Describe any involvement with and/or relationship to the university to which you are applying or any other educational institution with which you are/were affiliated (other than as a student).

CHAIRMAN, FIU FOUNDATION BOARD; CHAIR, FIU COLLEGE OF BUSINESS
DEAN'S COUNCIL; MEMBER, COLLEGE OF MEDICINE FOUNDERS; MEMBER,
PRESIDENTIAL SEARCH COMMITTEE; DONOR, VARIOUS INITIATIVES AND
SCHOLARSHIPS; "OWNER", SKYBOX AT FOOTBALL STADIUM

29. Describe your understanding of the role of a board of trustee member in ensuring the fiduciary and academic well-being of the university.

BOB HAS ULTIMATE RESPONSIBILITY FOR GOVERNANCE OF
FIU, INCLUDING FISCAL SOUNDNESS, ACADEMIC
EXCELLENCE, RESEARCH, AND ACCESS FOR SOUTH
FLORIDA COMMUNITY.

30. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____

31. Have you ever been suspended from any office by the Governor of the State of Florida?

Yes No If "Yes", list:

Title of Office _____ Reason for Suspension: _____

Date of suspension: _____ Result: Reinstated Removed Resigned

32. Have you previously been appointed to any office that required confirmation by the Florida Senate?

Yes No If "Yes", list:

Title of Office: _____

Term of Appointment: _____

Confirmation results: _____

33. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No

If "Yes", explain:

34. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, and/or disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
FL. BAR [REDACTED]	1985	FL. SUPREME COURT	N/A
OCC. LICENSE # [REDACTED]		ANNUAL MIAMI-DADE	N/A

35. Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the university to which you have been appointed or are seeking appointment? Yes No * If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to University</u>
* CLARIFICATION - OTHER THAN DONOR AGREEMENTS RELATING TO SUPPORT OF FIU, PERSONALLY AND THROUGH PREFERRED CARE PARTNERS		

36. Have members of your immediate family (spouse, child, parent(s), sibling(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the university to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to you</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to University</u>

37. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five years? Yes No If "Yes", explain:

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principals you represented:

<u>Agency Lobbied</u>	<u>Principals Represented</u>

38. List three persons who have known you well during the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Telephone Number</u>
AL CARDENAS,	215 S. MONROE ST., TALLAHASSEE, FL	32301	850-222-7890
DANNY PONCE	1111 BRICKER AVE, # 2150, MIAMI	33131	305-444-9991
TODD LEGON	5901 SW 105 ST., PINECREST, FL	33156	305-993-5634

39. Name any business, professional, occupational, civic, or fraternal organization(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
SEE ADDENDUM "C"			

40. Do you know of any reason why you will not be able to attend fully the duties of the position to which you have been or will be appointed? Yes No If "yes", explain:

41. Are you now, or have you within the past three years, been a member of any club or organization that, to your knowledge, in practice or in policy, restricts membership or restricted membership during the time that you belonged, on the basis of race, religion, national origin or gender? Yes No If "yes", detail the name and nature of the organization, relevant policies and practices, and state whether you intend to continue as a member if appointed by the Board of Governors.

42. Have you ever been the object of any equal employment opportunity complaint or any civil action based upon discrimination in the work place? Yes No If "yes", explain and provide details of the outcome:

43. Are there any pending lawsuits against you or are you a party to a lawsuit in any court in which you are the plaintiff or defendant? Yes No If "yes", what type and where?

44. Have any judgments been entered against you as a result of any civil or administrative proceeding(s)? Yes No If "yes", identify the proceeding(s) that resulted in the judgment and the date the judgment was entered.

45. Are you now engaged in activities, or have you engaged in activities in the past, that will reflect unfavorably on the board to which you seek appointment? Yes No If "yes", please explain.

46. Is there anything that you were not questioned about in your application that you should make known to us at this time that impugns your integrity, character and fitness for the position you are seeking? Yes No If "yes", please explain.

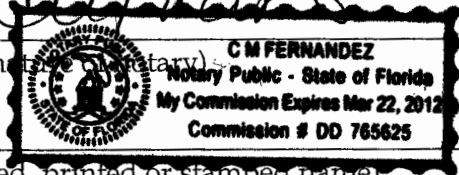
CERTIFICATION

STATE OF FLORIDA, COUNTY OF miami-Dade

Before me, the undersigned authority, personally appeared Joseph Caruncho who after being duly sworn, say: 1) that he/she has carefully prepared or read the answers to the foregoing question; 2) that the information contained in said answers is complete and true; 3) that he/she will, as an appointee, fully support the Constitutions of the United States and the State of Florida. Be it further known that in signing this document I understand that a Level 2 background check by the Florida Department of Law Enforcement will be performed on all nominees who are recommended to the Florida Board of Governors.

[Signature]
Affiant's signature

Sworn to and subscribed before me on this 25th day of August, 2009, by Joseph Caruncho

[Signature]
(signature of Notary)


(typed, printed or stamped name)
Notary Public
Commission No.:
My Commission Expires:

Personally Known X OR Produced Identification _____
Type of Identification Produced _____

CLIENT COPY

IN THE COUNTY COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA

CRIMINAL DIVISION

CASE NO. B09-04632

STATE OF FLORIDA,

Plaintiff,

v.

JOSEPH CARUNCHO,

Defendant.

_____ /

ORDER

THIS CAUSE, having come on to be heard before me on the Defendant's Sworn Motion to dismiss the above cause on the grounds that there are no material disputed facts, and the undisputed facts do not establish a *prima facie* case of guilt against him, pursuant to Florida Rules of Criminal Procedure, Rule 3.190(c)(4) and the Court being otherwise fully advised in the premises, it is hereby,

ORDERED AND ADJUDGED, that the Defendant's Motion to Dismiss is **GRANTED** and as grounds therefore, the Court makes the following findings of fact and law:

The defendant was charged with resisting an officer without violence, pursuant to FLORIDA STATUTE 843.02, for *allegedly* "interfering with an active DUI investigation." See INFORMATION FOR CASE NUMBER B09-4632.

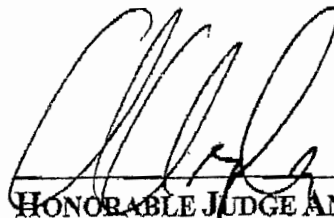
The Defendant's Sworn Motion to Dismiss was filed on June 12, 2009, and scheduled for a hearing on July 8, 2009. Pursuant to Rule 3.190 (d), the State had to file a traverse or demurrer within a reasonable time before said hearing. Factual matters alleged in a Motion to Dismiss filed under Rule 3.190 (c)(4) shall be considered admitted unless specifically denied in a traverse. The State here failed to

file any response whatsoever to the Sworn Motion to Dismiss. Accordingly, the Court finds that the facts alleged in the Defendant's Sworn Motion to Dismiss are admitted.

It was uncontested that Mr. Caruncho is an attorney, licensed to practice law in the State of Florida. It is similarly uncontested that on the date in question, Mr. Caruncho went to a local gas station to obtain gas for his girlfriend, Samara Kharfan, whose car had run out of gas. Upon returning to where Ms. Kharfan was stopped, Mr. Caruncho encountered Officer Cristino Perez, who had stopped to assist Ms. Kharfan. Officer Perez told Mr. Caruncho to "go back to your vehicle" and that he was "conducting a criminal investigation". Mr. Caruncho responded that he was her attorney and he advised Ms. Kharfan of her legal rights. Based upon Mr. Caruncho's action of advising Ms. Kharfan of her legal rights, the officer placed him under arrest for resisting an officer without violence.

Mr. Caruncho's actions in attempting to provide his client with legal advice cannot be construed as a violation of Florida Statute 843.02. *See D.A.W. v. State*, 945 So. 2d 624 (Fla. 2d DCA 2006) (juvenile could not be adjudicated for obstructing justice under § 843.02 Fla. Stat. because the fact that the juvenile stood 15-30 feet away from the officer and yelled harassing comments was not enough to support a finding of obstruction); *Jones v. State*, 955 So.2d 1208 (Fla. 4th DCA 2007) (court erred in denying judgment of acquittal where the State failed to show that defendant made any affirmative actions that constituted obstruction or resistance of a lawful duty). *And see Lee v. State*, 368 So.2d 395 (Fla. 3d DCA 1979) (defendant had a common law right to resist an unlawful arrest without violence).

DONE AND ORDERED in Open Court at Miami-Dade County, Florida on this 8th day of July, 2009.



HONORABLE JUDGE ANTONIO ARZOLA
Miami-Dade County Court Judge

Davis, Linda

From: Joseph L. Caruncho [jcaruncho@mypreferredcare.com]
Sent: Wednesday, August 26, 2009 10:46 AM
To: Davis, Linda
Subject: Re: University Board of Trustees Application

Apologies. FIU.

From: Davis, Linda
To: Joseph L. Caruncho
Sent: Wed Aug 26 10:40:54 2009
Subject: University Board of Trustees Application

Good morning Mr. Caruncho. The Board of Governors received your application today for a trustee position. You did not indicate which university you desire to serve. Please confirm this for me. Thank you.

*Linda C. Davis
Office of the Chancellor
Board of Governors
State University System of Florida
325 West Gaines Street
Tallahassee, FL 32399
850.245.0466
Linda.Davis@fbog.edu
Visit us online at www.fbog.edu*