



June 18, 2026

Hon. Kevin F. McCumber
Clerk, House of Representatives
H-154, The Capitol
Washington DC 20515

Re: Michael Joseph
In the Matter of:
Representative Sheila Cherfilus-McCormick

Dear Mr. McCumber:

Please accept this Memorandum to the United States House of Representatives on behalf of Michael Joseph, Respondent in Contempt Proceedings, as referenced letter of the House Committee on Ethics dated June 9, 2026. We understand that this matter is Confidential at this time. Please treat this letter accordingly. We request that confidentiality be maintained as provided by law.

Introduction

The undersigned law firm is counsel for Michael Joseph. The facts of this matter are not complicated, and the plain truth of the matter is that there is no basis for contempt. Rather than demonstrate contempt, the facts show disagreement over scheduling and service of a subpoena that seemed moot as of December 2025.

Mr. Joseph is a member of the Florida Bar and the Mayor of the City of North Miami Beach, Florida. While the House Ethics Committee ("Committee") desired his information as a witness in an investigation of former Representative Cherfilus-McCormack, Mr. Joseph was never personally and properly served with any subpoena. While Mayor Joseph had no interest in the outcome of

the investigation, he did have duties of confidentiality as an attorney.

The Need for Personal and Proper Service of a Subpoena

When the undersigned were retained to represent Mr. Joseph as a witness in the House investigation in November 2025, we advised members of the House Ethics Committee investigative staff that while Mr. Joseph would comply with all pertinent legal obligations, he insisted on personal service of the subpoena as a prerequisite to doing so. (See Exhibit "A".) As we advised House Staff by email on December 1, 2025, it was adherence to an attorney's ethical obligations that led to this position. (Exhibit "A"). Unquestionably, Michael Joseph is a practicing Florida attorney subject to Rule 4-1.6 of the Rules of Professional Conduct. Those rules make it clear that he has a duty of confidentiality that is often much broader than the attorney-client privilege.

Absent informed consent, which is not present here, and subject to inapplicable exceptions, he "...must not reveal information relating to a client's representation..." Rule 4-1.6(a). Because a voluntary disclosure is not authorized, he is obliged to require a properly served subpoena before he can respond to inquiries about prior or existing representations. The Committee's subpoenas themselves contemplated personal service by the U.S. Marshal, which never occurred. (See Exhibit "B").

As was further explained in the December 1 email, if proper service was waived without the client's consent, such might well make ensuing communications about a representation voluntary and, thus, potentially a violation of the Rules of Professional Conduct. Given the manifest sensitivity of the pending investigation, Mr. Joseph was plainly not in a position to waive service or reduce the requirements of personal service in order to facilitate any disclosure of confidential and privileged communications. Once duly served, communication required by the

subpoena is authorized, although the attorney-client privilege remains applicable.

Because personal service never occurred (see Exhibit B), there was no valid service of process on Mr. Joseph—and the first and most basic requirement for any claim of contempt is absent.

December 4 and 5

While the undersigned took the position that personal service was required, this position was taken in good faith, for legitimate reasons as stated above, and not for purposes of obstruction or delay. By email, the undersigned advised Committee counsel that Mr. Joseph's counsel cooperated with the Committee in effectuating service by email, providing the Staff with a date just days in the future (December 5) when Mr. Joseph would have returned from an out-of-town trip and would be available all day to be served in his office. (See Exhibits ("A" and "C")) The email from the undersigned on December 1 stated that "it is Mr. Joseph's intention to follow the applicable rules. He will be in the law office this Friday. We note that previously issued subpoenas appeared to designate personal service by the U.S. Marshal and we are hopeful that such service of process will be effected accordingly." (Exhibit "C").

That email, sent to House investigators on December 2, 2025, confirmed a date when Mr. Joseph would be in his office and available to be served, Friday, December 5 (Exhibit "A" ("... in his law office this Friday")). He had been out of the office the day before due to attendance at a New Orleans conference that was addressing antisemitism. Investigative staff agreed to serve Mr. Joseph personally, thereby effectively admitting that valid service had not previously been accomplished effectively as of December 4 and 5.

Inexplicably, the Committee investigators sent a United States Marshal to serve Mr. Joseph not on December 5, when the staff had been advised he would be present, but on the previous day,

December 4, when Mr. Joseph was not present and was out-of-town. Plainly, the decision by House investigators to personally serve Mr. Joseph on December 4 admitted that proper service of a subpoena had not previously occurred. Equally obvious, personal service did not occur on December 4 due to Mr. Joseph's absence, an absence which had been previously explained to House investigators.

On December 4, Undersigned counsel registered an e-mail objection to a statement by Committee staff that Mr. Joseph should appear in Washington for testimony the next day. See Exhibit "C". Both due to the absence of personal service and ridiculously short notice (24 hours), this objection was proper. However, counsel for Mr. Joseph promised that **"my commitment on behalf of my client is to promptly make him available when served for questioning"** and asked staff counsel to contact us **"shortly thereafter with any eye toward moving forward with the questioning which the Committee is anxious to obtain."** (Exhibit "C")

The Committee, however, chose to do nothing to either schedule a later deposition or serve Mr. Joseph. Instead, staff counsel sent an email attempting to rewrite history and suggesting that personal service was not necessary in the first place.

After that date, investigative staff took no further action to either serve a subpoena or to contact the undersigned to arrange for a deposition. At the same time, on or about December 8, 2025, an indictment of criminal charges against the subject of the Committee's investigation, former Congresswoman Sheila Cherfilus-McComick, was unsealed. In light of the lack of follow-up by the Committee staff, it appeared to Mr. Joseph and counsel that this indictment by the Department of Justice mooted any further action by the House investigators. Be that as it may, the simple fact is that if the investigators had the jurisdiction to continue their investigation and the desire to obtain any information from Mr.

Joseph, they could have done so. They simply did not pursue efforts to secure information after December 5, 2025.

No Basis for Contempt

In these circumstances, it is plain that there was no contempt by Mr. Joseph, much less criminal contempt. First, Mr. Joseph acted at all times with the advice of counsel, which negates willfulness as a matter of law. The advice of counsel that Mr. Joseph should not appear to discuss confidential and privileged subjects until he was personally and properly served with a subpoena is correct under the circumstances concerning Mr. Joseph. But, even if it were not, following the advice of his counsel to that effect was certainly a prudent and legitimate choice for Mr. Joseph.

Second, the record reveals that it is the investigative counsel who, while acting zealously, failed to meet the basic obligations of courtesy and cooperation in dealing with third-party witnesses who live and work over a thousand miles away from Washington, D.C. If Mr. Joseph did not provide testimony in this matter, it is because an agreed date was not worked out with his counsel who remained accessible (Exhibit "D"). While we are not aware of the reasons why investigative staff pursued Mr. Joseph and have continued this pursuit arising from a seeming moot inquiry, it remains the case that Mr. Joseph's counsel advised House investigators in writing that Mr. Joseph would have complied with any and all duties of providing evidence.

Instead of serving Mr. Joseph on December 5 as Mr. Joseph expected, investigative counsel had apparently decided to undergo the pointless and unfounded pursuit of criminal contempt sanctions. That Mr. Joseph should now receive a notice that criminal contempt is being sought against him for a questioning that he was willing to provide **seven months** earlier, but which the Committee staff never properly set (except on one day's notice); is untenable and unfortunate.

Third and related, Mr. Joseph's conduct was not willful in any respect. There is no question that proper service of process is a lawful prerequisite to the duty to provide evidence. This is especially so for an attorney who properly insisted that compulsory process be properly effectuated. Mere knowledge of the existence of an unserved subpoena does not suffice to compel disclosure of confidential and privileged communications. Willfulness requires knowledge that one's conduct is contrary to law, and in this case Mr. Joseph believed the exact opposite—that his conduct was consistent with the law and with the previous communications with House investigators, and even with the directive of service by the U.S. Marshal. (Exhibit "B")

We note that investigative staff did not give the undersigned or Mr. Joseph any opportunity to rebut whatever was presented to the Committee, which led to the report seeking a criminal contempt referral. We respectfully request that this violation of basic fairness and due process principles should be reconsidered by a remand to the Ethics Committee.

Respectfully submitted,



Kendall Coffey, Esq.
Jeffrey B. Crockett, Esq

CC:

Thomas A. Rust, *Chief Counsel / Staff Director*

Kendall Coffey

From: Kendall Coffey
Sent: Monday, December 1, 2025 5:07 PM
To: Seeba, Jennifer; Pescatore, Brittney; Bellwoar, Sydney; Rhatican, Ray
Subject: Michael Joseph

Categories: Red Category

Dear Counsel;

Thanks for your email of November 26th, which is being reviewed. We are also reviewing your latest email. The short notice reflected in your email today should be discussed. In the meantime, I wanted to get back to you today on the threshold issue of service of process.

As observed in previous correspondence, Michael Joseph is a practicing Florida attorney subject to Rule 4-1.6 of the Rules of Professional Conduct. Those rules make it clear that he has a duty of confidentiality that is often much broader than the attorney-client privilege. Absent informed consent, which is not present here, and subject to several exceptions that are also inapplicable, he "...must not reveal information relating to a client's representation..." Rule 4-1.6(a). Because a voluntary disclosure is not authorized, he is obliged to require a properly served subpoena before he can respond to inquiries about prior or existing representations. We note that the subpoenas that I received as courtesy copies designated service by the U.S. Marshal. Because personal service as designated was not effected, Mr. Joseph takes the position that service was not valid. Moreover, if proper service were waived without the client's consent, such might well make ensuing communications about a representation voluntary and, thus, potentially a violation of the Rules of Professional Conduct. As has been indicated, once duly served, communication required by the subpoena is authorized although the attorney-client privilege remains applicable.

We know you are familiar with these principles but my review of past emails suggested that a further emphasis on the broader duty of confidentiality might be appropriate.

It is Mr. Joseph's intention to follow the applicable rules. He will be in his law office this Friday. We note that previously issued subpoenas appeared to designate personal service by the U.S. Marshal and we are hopeful that such service of process will be effected accordingly.

Meanwhile, We are reviewing the courtesy copies you provided to facilitate his response concerning documents.

I hope this discussion is helpful and look forward to working through any issues the parties may have.

Cordially,

Kendall Coffey

COFFEY BURLINGTON
2601 South Bayshore Drive, PH1
Miami, FL 33133
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Fax: 305.858.5261

CONFIDENTIALITY NOTE: This electronic message transmission contains information from the law firm of Coffey Burlington, which may be confidential or privileged. The information is intended to be for the use of the individual or



Subpoena Ad Testificandum

**By Authority of the House of Representatives of
The Congress of the United States of America**

To: Mr. Michael Joseph

You are hereby commanded to appear before the Investigative Subcommittee of the Committee on Ethics of the House of Representatives of the United States, of which the Honorable Andrew R. Garbarino is Chairman, in 1015 Longworth House Office Building at 10:00 am on October 1, 2025, to answer questions concerning matters of inquiry before said Committee.

To: The U.S. Marshals Service to serve and make return.

Witness my hand and the seal of the House of Representatives
of the United States, at the city of Washington, this
01 day of September, 2025.


.....

The Honorable Michael Guest
Chairman
Committee on Ethics


.....

The Honorable Mark DeSaulnier
Ranking Member
Committee on Ethics

Attest:


.....

Kevin McCumber
Clerk of the House



Subpoena for Michael Joseph,

Galbut Walters & Associates
4770 Biscayne Blvd.
Suite 1400
Miami, FL 33137

to appear before the Investigative Subcommittee of the
Committee on Ethics, of which the Honorable Andrew
R. Garbarino is the Chairman.

*U.S. House of Representatives
119th Congress*

Served by.....
Title
Manner of Service
Date
Signature of Server.....
Address
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Kendall Coffey

From: Jeff Crockett
Sent: Thursday, December 4, 2025 4:43 PM
To: Bellwoar, Sydney; Pescatore, Brittney; Seeba, Jennifer; Ray Rhatican
Cc: Kendall Coffey; Bernice Diaz
Subject: re TEstimony of Michael Joseph US House of Representatives - Committee on Ethics

Counsel:

Good afternoon. I spoke with Ms. Bellwoar and reviewed the below email and its attached subpoena this afternoon. As I understand the situation, Mr Joseph, by counsel requested formal service of a subpoena as a prerequisite to his testimony and indicated he would be available for service in his office on December 5. The Marshal unfortunately attempted service today (December 4) while the Mayor was absent and out of town. I am sorry for that inconvenience.

Ms. Bellwoar advised that the Committee expects Mr. Joseph to appear in Washington for live testimony tomorrow on less than 24 hours notice. I respectfully must object to this on various grounds, including personal conflicts, as well as the lack of service of process of the subpoena. Please do not incur any expenses in preparation for questioning which will not occur tomorrow.

As I told you my commitment on behalf of my client is to promptly make him available when served for questioning. However, less than 24 hours is neither customary nor sufficient notice. I would also request that the questioning be by zoom or other remote method as is typical, which is more convenient for all parties, and would allow for more options for more expedited scheduling. In the event that you insist on live testimony, what witness fee and travel accommodations are provided?

On the assumption that as Ms. Bellwoar and I discussed Mr Joseph will be served tomorrow, I will be in contact with you and our client shortly thereafter with an eye toward moving forward with the questioning which the Committee is anxious to obtain.

Respectfully,

Jeff Crockett
Jeffrey B. Crockett
jcrockett@coffeyburlington.com

Cell 305-773-2984

COFFEY | BURLINGTON

2601 South Bayshore Drive, Penthouse

Miami, Florida 33133

T. 305-858-2900



Kendall Coffey

From: Jeff Crockett
Sent: Tuesday, December 2, 2025 9:39 AM
To: Sydney.Bellwoar@mail.house.gov
Cc: Kendall Coffey
Subject: Contact information MICHAEL JOSEPH counsel

Good morning

I will be assisting Mayor Michael Joseph in his response to the forthcoming subpoena.

Below is my contact information.

Jeffrey B. Crockett
jcrockett@coffeyburlington.com
Cell 305-773-2984

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