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Police Chief faces ethics violations

The police chief of South Miami is facing four charges of violating ethics laws for steering city business to his wife's companies. The Miami-Dade Commission on Ethics and Public Trust (COE) today found probable cause that Chief Orlando Martinez de Castro violated South Miami's "prohibition on transacting business with the city," as well the County Conflict of Interest and Code of Ethics Ordinance's "prohibition on exploitation of official position." The complaint against Martinez de Castro (**C 12-31**) cites three times during 2011 when the South Miami Police Department contracted with Airways Auto Tag Agency for tags and titles for forfeiture vehicles. Airways is owned by Ileana Martinez de Castro, the police chief's wife. She also owns Beck & Lo's Insurance Agency, Inc. Last April, Chief de Castro used his city e-mail account to solicit business for his wife's agency. The case will proceed to a public hearing.

A business formed by the mayor and town manager of Golden Beach was found to be a prohibited investment under the Conflict of Interest and Code of Ethics Ordinance. Last year, Golden Beach Mayor Glenn Singer and Town Manager Alex Diaz created City Slickers Subs & Salads, LLC. Because the town charter establishes a symbiotic, co-dependent and inter-related relationship between the two officials, the investments created a conflict between private and public interests for both men. When informed of the complaints against them (**C 12-36 & C 12-37**), Manager Diaz sold his investment to a third party, thereby eliminating the conflict. Noting their cooperation, Ethics Commissioners accepted the Advocate's recommendation that the case be dismissed with a Letter of Instruction. The two men were also ordered to pay \$250 each in investigative costs.

A Letter of Instruction was approved for an Opa-Locka code enforcement officer who pleaded no contest last month to charges he violated the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance for failing to file required "outside source of income" forms for more than three years. Randolph Aikens created a company called Executive Protection Security Enforcement LLC in early 2008, though he never sought permission for outside employment from his supervisor. Last year, Aikens told Ethics Commission investigators that, because he was self-employed, he didn't think he needed permission for the outside employment or had to file income statements, but he was advised he was required to do both. As part of the settlement to the complaint (**C 12-28**), Aikens was fined \$500. The Letter of Instruction requires him to obtain permission prior to engaging in outside employment and renew the permission annually. He is also instructed to file full and accurate financial disclosures for the past three years and for all subsequent years he works outside his municipal job.

No Probable Cause was found to a complaint (**C 12-33**) filed against Miami Mayor Tomas Regalado and City Commissioners Marc Sarnoff and Francis Suarez who were accused of exploiting their official positions by using the city's Sergeant-At-Arms for personal use. The complainant cited the commissioners for being driven by the police department employee to Versailles restaurant for lunch on Election Day this past August. The investigation notes that Miami-Dade Mayor Carlos Gimenez was there along with other political operatives. The complaint against Mayor Regalado cited his ride to reelection parties for city commissioners in November 2010 and a "Ladies in White" protest rally in March 2010.

The Ethics Commission determined that the events could be considered appropriate use of the sergeant-at-arms. The complaint was dismissed.

A different complaint (**C12-39**) accusing Miami City Commissioner Sarnoff and City Manager Johnny Martinez of abusing their power was found Not Legally Sufficient by the Ethics Commission. A complaint followed the recognition given to the retiring director of capital improvements at a recent city commission meeting, during which an anecdote was told about Albert Sosa purportedly answering Sarnoff's call to the city manager requesting that he respond to citizen complaints at 7 o'clock on a Sunday morning. The COE found that, even if the story were accurate, requesting a department director to respond to citizen complaints is a part of serving constituents and not exploitation of official position. The complaint was dismissed.

A long-standing policy of prohibiting County employees in the real estate division to work as private real estate agents should be maintained, according to the COE. Linda Weber, a real estate officer in the County's Internal Services Department, had hoped to earn extra income by working in the residential market and sought a Request for Opinion (**RQO 12-11**) on the matter. However, based on past opinions of the Ethics Commission, County Administrative orders and even policies of state and federal agencies, the COE agreed that private work involving businesses and entities that the employee could have contact with in her public job would pose a potential conflict of interest such that the private employment should not be permitted.

Also today, COE members celebrated the success of **Ethical Governance Day on October 12, 2012**. Approximately 200 community leaders spoke in government classes in more than 50 Miami-Dade high schools about civic engagement and ethical government. An ethics forum for political candidates was also that day and is still being replayed on Miami-Dade TV. Florida International University also conducted an afternoon ethics symposium featuring distinguished speakers as part of the day's events.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

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