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### **Public Officials Advised to Avoid Conflicts**

The Miami-Dade Commission on Ethics and Public Trust (COE) today determined that a Bal Harbour City Councilman who works as a department manager in the Neiman Marcus Store in Bal Harbour Shops may NOT vote on the mall's zoning application for expansion. The decision came in response to **Request for Opinion (RQO) 15-04**, presented on behalf of Councilman Jamie Sanz, and is meant to clarify prior opinions related to the project. Two upcoming zoning requests would double the size of Bal Harbour Shops and permit the sale and relocation of the Village Hall at the mall's expense to provide land for the expansion. Under the proposal, the Neiman Marcus store would grow in size by 50%. The COE concluded that the expansion could directly or indirectly benefit Councilman Sanz as a store department manager, creating a conflict of interest. The opinion directs him to remove himself from any discussion or vote related to the zoning application and recommends that Councilman Sanz avoid appearing at any workshops or meetings regarding the shopping center expansion plan to avoid the appearance of impropriety.

The COE also determined that a senior systems analyst and programmer for the Miami-Dade Transit Department's information technology applications may NOT take an outside job with a private company seeking to develop a transit tracking system. Andrew Hagewood sought permission to work during evenings and weekends for Limousines of South Florida (LSF) to help develop a computer system to track its vehicles and routes. LSF also contracts with several municipalities in South Florida to provide transportation services, and it is anticipated that the County will soon integrate its tracking systems with those of the cities for the benefit of users. In response to a Request for Opinion (**RQO 15-03**), the COE opined that the work Mr. Hagewood would perform for his private clients would be closely related and intertwined with the work he performs for Miami-Dade Transit, creating a conflict of interest. The opinion expresses additional concern that County employees should not use the knowledge they have acquired on the job to gain unfair advantage for themselves or for private companies in County-related matters.

Ethics Commissioners found No Probable Cause to a complaint filed by Jorge Gonzalez against Mario Garcia when they were running against each other for a city commission seat in North Bay Village last fall. Then-incumbent Commissioner Gonzalez charged that his opponent, Garcia, published and mailed flyers with damaging and untrue allegations about him to voters. The complaint (**C 14-51**) was first considered by Judge Gerald Kogan, serving as a special master, who found that the statements were generally true. Because the special master's review was limited to an examination of filed documents and no actual investigation had taken place, the Ethics Commission referred the complaint to staff. In her capacity as Special Advocate, Carol Jordan, Assistant Legal Counsel in the Office of the Inspector General, found that Gonzalez failed to demonstrate that the statements were untrue or made with "actual malice," as would be required to violate the Mandatory Fair Campaign Practices ordinance. The case was dismissed.

In a similar case, a volunteer for the campaign of Ralph Cabrera, who ran against incumbent James Cason in the recent election for Mayor of Coral Gables, filed a complaint (**C 15-14**), accusing Cason of violating the Ethical Campaign Practices Ordinance. Alfredo Balsera, founder of Balsera Communications, claims he was harmed by being referred to as

a “paid mouthpiece” and “paid neighbor,” when he was a volunteer in the campaign. The Commission found that because Balsera has served as a hired spokesperson in several prior political campaigns, such a reference cannot be considered damaging and so the case was dismissed.

The COE approved a Letter of Instruction for a representative of a Miami Beach property owner who was accused of violating that city’s ordinance by failing to register as a lobbyist before he appeared before the Historic Preservation Board in April 2014. Last month, Michael Marrero told Ethics Commissioners that he and his firm were retained on an emergency basis and his contact with the city on that matter was very limited. The COE dismissed the complaint (**C 15-08**) “in the interest of justice” because the violation was inadvertent, unintentional and insubstantial. The Letter, however, instructs Mr. Marrero to properly register prior to his appearance before the board and in all future interactions with the City of Miami Beach.

No Probable Cause was found to a complaint (**C 15-07**) accusing Bal Harbour Councilman Gabriel Groisman of using his public office to benefit his family by opposing the planting of a hedge around a marina and using city resources to investigate marina operations. The complaint was filed by Tony Imbesi, vice president of Flamingo Way Enterprises which owns the marina. He alleges that the councilman’s opposition to the planting was to protect the water view of properties owned by his family. However, the investigation failed to find any violation of the Conflict of Interest and Code of Ethics Ordinance, and the COE dismissed the complaint.

No Probable Cause was found to a complaint (**C 15-09**) filed against the film and event production manager for the City of Miami Beach who was accused of favoritism by a restaurant owner on Espanola Way. Antonio Halabi accused Graham Winick and other city officials of ignoring permitting guidelines to benefit the competitors of Halabi’s Flame Caffe & Grill. An investigation by the Ethics Commission did not find any evidence of a bias, but did find inconsistencies with the issuance of permits this past New Year’s Eve and suggests that city officials could have done a better job communicating with Mr. Halabi and the other business owners.

*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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