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Miami-Dade County Commission on Ethics and Public Trust

Memo

To: File

From: Karl Ross, ethics investigator

Date: May 22, 2009

Re: K09-036 JACK R. BLUMENFELD

Close-out report:

In response to an email to COE Executive Director Robert Meyers on April 2, 2009, a case was opened regarding allegations the above-named individual may have violated the Miami-Dade County ethics ordinance in that he may have incurred in a conflict of interest with Miami City Comm. Angel Gonzalez. Mr. Blumenfeld serves as one of several special masters for code enforcement hearings that the city uses from time to time. He has also served as legal counsel to Gonzalez with respect to a recent ethics complaint and an ongoing criminal inquiry. The basis for the email complaint to COE would appear to be a March 28, 2009, article in the Miami Herald regarding the settlement of Comm. Gonzalez's ethics case.

In the article Mr. Blumenfeld is quoted as saying that no code violations were found at rental properties owned by Comm. Gonzalez. "There are no illegal units," he told the Herald. "It's all within the code." The report correctly points out that at least one of the properties owned by Gonzalez was cited for having an illegal living unit. As part of the investigation, COE contacted Sergio Gaudix, the city's director of Code Enforcement, and Gaudix advised that Blumenfeld at no time contacted his office regarding the commissioner's properties. "We were also surprised to see that quote in the article," Gaudix wrote in an April 9 email to a COE investigator.

COE also contacted the city's legal department to establish whether Gonzalez was in any way involved in the city's decision to hire Blumenfeld as a special master. On

April 21, COE interviewed Assistant City Attorney Barnaby Min, who advised that Mr. Blumenfeld signed a contract with the city on Nov. 29, 2007, to serve as a special master for code enforcement matters. He said that, as described in paragraph five of the contract, Blumenfeld would be paid at a rate of \$100 hourly in an amount not to exceed \$10,000. He advised the city uses five special masters on a rotating basis, usually three to four times per year. He said the commissioners do not appoint special masters and that they are selected through an application process. He agreed to provide a copy of Mr. Blumenfeld's resume, which was subsequently received that same day and which is included in the case file.

In addition, COE examined copies of all billing invoices submitted by Mr. Blumenfeld, consisting of eight invoices to the city requesting a combined payment of \$1,625. A copy of Mr. Blumenfeld's contract with the city was also obtained for the file.

In consultation with the independent ethics advocate and assistant advocate at the May 21, 2009, investigators' meeting it was decided that the above-referenced case involving Jack Blumenfeld should be closed. There is no available evidence suggesting that Mr. Blumenfeld incurred in a conflict as a result of his involvement as a legal advisor to Gonzalez. Mr. Blumenfeld did not preside over any hearings involving the code enforcement actions against Comm. Gonzalez's properties, as the violations were remedied and did not go before the Code Enforcement Board. It has also been established Comm. Gonzalez played no role in appointing Blumenfeld to the board and that Mr. Blumenfeld's compensation from the city is nominal. Lastly, there is no evidence that Blumenfeld intervened in any way regarding the code enforcement actions brought against the rental properties belonging to Gonzalez.