



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigators: Breno Penichet, Manuel W. Diaz

Case No.: K14-094	Case Name: Lynda Bell	Date Open:	<b>CASE CLOSED</b>  Date: <u>2/12/15</u>
	Subject(s): Maurice Hernandez	August 25, 2014	

Allegation(s):

The COE received information alleging that former Miami-Dade County Commissioner Lynda Bell's (Bell) staffer had provided inaccurate information concerning public records. Also, a web site was provided that allegedly showed the same staffer removing the campaign signs of Bell's opponent Daniela Cava (Cava).

Relevant Ordinances:

**Ethical Campaign Practices Ordinance**, Sec. 2-11.1.1(C)(1) Miami-Dade County Ordinance, "*Prohibitions*. A candidate, and his or her campaign staff, for the Miami-Dade County Commission...shall not: (d) Knowingly obtain, or cause to be obtained the campaign property of another candidate with the intent to, temporarily or permanently, deprive the candidate of a right to the property or a benefit therefrom..."

**Conflict of Interest and Code of Ethics Ordinance**, Sec. 2-11.1(g), "*Exploitation of official position*. No person included in the terms defined in subsection (b)(1) through (6) and (b)(13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others..."

**Citizens' Bill of Rights**, Part I, Constitutional Amendment and Charter of Miami-Dade County (A), "(2) *Truth in Government*. No County or municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public."

**Investigation:**

COE Investigators reviewed two (2) video links that were provided. In one, a Latin male staff member was seen and heard talking to a citizen, who was requesting to obtain public records. The aide, later identified as Maurice Hernandez (Hernandez) provided information to the unknown requester by directing him to the BCC communications office. The second video link shows Hernandez removing what appear to be campaign signs from a grassy area. The area on the video appeared to be in some type of shopping center; there is no address shown.

**Ruben J. Arias (Arias)**  
**Chief of Staff**  
**Commissioner Lynda Bell District 8**

Ruben Arias (Arias) voluntarily agreed to meet with COE investigators and provide information regarding this investigation. Arias was interviewed in his office by Investigators Breno Penichet and Manuel Diaz. Arias advised that no one on his staff had worked on the Commissioner's campaign. In fact, he advised, the staff could not participate in any campaign function during their work hours or use any County equipment or wear any type of clothing identifying them as County employees. Arias was shown the two videos and identified the employee as Hernandez. Arias advised that Hernandez was a member of the staff until he resigned on April 22, 2014. Since there was no date visible on the video, it was hard to determine the actual date it was taken, but Arias advised that Hernandez did advise the person requesting the records the proper procedure to follow in order to obtain them. Arias advised that Hernandez did work for the Bell campaign after he left County employment. Arias also advised that as far as the removal of the signs, the Commissioner and her staff had permission from the building owner to remove any signs from the property except those belonging to the Bell campaign. Arias advised that it appeared to him that signs were being removed from the south side of the property. Arias provided the name and information of the property owner.

**Maurice R. Hernandez**  
**Campaign worker**

Hernandez voluntarily agreed to speak with COE investigators and provide information regarding this investigation. Hernandez was interviewed via telephone by Investigator Penichet. According to Hernandez, he did work as a staff member for Commissioner Bell until his resignation in April 2014. Hernandez advised that he did work for the Bell campaign and was aware of the videos in questions. Hernandez advised that he provided the person that came to the office with accurate information. Hernandez said that he did remove the Cava campaign signs from the property at the request of the owner, Andy Atrio (Atrio). According to Hernandez, he placed the signs in the rear of the parking area.

**Andy Atrio**  
**Property owner**

Atrio voluntarily agreed to speak with COE investigators and provide information regarding this investigation. Atrio was interviewed via telephone by Investigator Penichet. Atrio advised that he is the owner of the office building located at 14707 South Dixie Highway, Suite 101, Miami, FL., where the District office of Commissioner Bell was located. Atrio advised that he requested that all the signs on his property, that were not placed there by the Bell re-election campaign, be removed.

**Documents reviewed.**

Bell's Campaign Treasurers Reports and paperwork.

Property Appraiser's Office Summary report for 14707 S. Dixie Hwy, Miami, Florida.

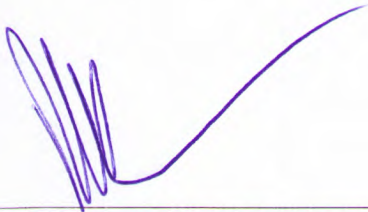
MDC Information Sheet reference public records request.

Resignation letter dated April 22, 2014 from Hernandez.

**Conclusions:**

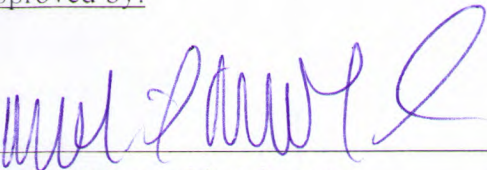
As a result of the interviews, the review of the documents provided, and the videos, it does not appear that Hernandez abused his official position, violated the Ethical Campaign Practices Ordinance or the Citizens' Bill of Rights, when he advised the unknown citizen the procedure to receive public records from the BCC. It also appears that Hernandez was following the orders of the property owner when removing the signs. The investigation also revealed that Hernandez was not working for MDC during the time of the campaign.

Advocate Michael Murawski advised that no further action would be taken. Accordingly, it is recommended that the above case be closed without further action.

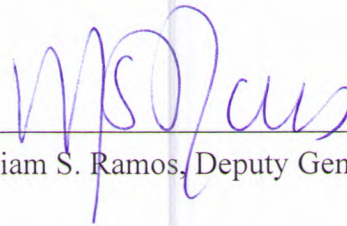


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Breno Penichet, COE Investigator

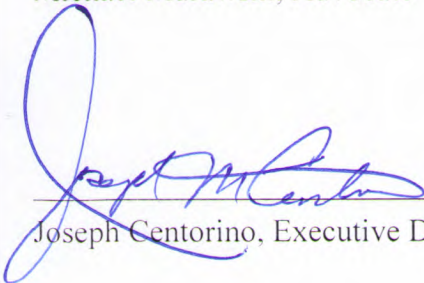
Approved by:



\_\_\_\_\_  
Michael Murawski, Advocate



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Miriam S. Ramos, Deputy General Counsel



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Joseph Centorino, Executive Director

2/12/15  
Date