



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Manuel W. Diaz

Case No. K14-102/ C14-38	Case Name: Garcia v. Gonzalez	Date Open:	CASE CLOSED
Complainant(s): Pedro Garcia	Subject(s): Eddy Gonzalez	10/16/14	

Date: 1/13/15

Allegation(s):

Pedro Garcia (Garcia), a candidate for the Office of Property Appraiser for Miami-Dade County filed a complaint with the Miami-Dade Commission on Ethics and Public Trust alleging that his opponent, Eddy Gonzalez (Gonzalez), approved campaign material for his election campaign that contained material falsehoods.

Relevant Ordinances:

Sec. 2.11.1.1, Miami-Dade County Code

“(C) Mandatory Fair Campaign Practices

(1) Prohibitions. A candidate and his or her campaign staff to the Miami-Dade County Commission, Mayor of Miami-Dade County, Property Appraiser of Miami Dade County, Miami – Dade Fire and Rescue Service District Board, Miami-Dade County Community Councils or for any municipal elective within Miami-Dade County

(a) With actual malice make or cause to be made any untrue oral statement about another candidate or a member of his her family or staff which exposes said person to hatred, contempt or ridicule or causes said person to be shunned or avoided or injured in his or her business or occupation.

(b) With actual malice publish or cause to be published by writing, printing, picture, effigy, sign or otherwise than by mere speech any untrue statement about another candidate or a member of his or her family or staff which exposes said person to hatred, contempt, or ridicule or causes said person to be shunned or avoided, or injured in his or her business or occupation;

(D) Voluntary Fair Campaign Practices

(1) Statement of Fair Campaign Practices

11. I will not use or permit the use of campaign material that falsifies, distorts, or misrepresents facts.”

Investigation:

Documents Reviewed

Complaint

The complaint alleged that the, “Campaign of Eddy Gonzalez for Property Appraiser” (campaign) aired political advertisements on various Spanish-language television networks and that the advertisement contained intentional falsehoods:

#1 The advertisement(s) claim that Garcia paid a no-show employee \$400,000.00 salary. In the complaint, Garcia denies the allegation that he paid an employee \$400,000.00 and denies that he ever allowed an employee, under his supervision, to be paid without working.

#2 The advertisement(s) cites a Miami Herald news article that appeared on July 13, 2013, to support the allegation that Garcia paid an employee \$400,000 and failed to correct the employee for not performing as a Miami-Dade County employee

As part of the Complaint package, Garcia provided a copy of “Open Government” Miami – Dade Salary Property Appraisal for 2010 print out, to support his position. Garcia also provided the COE web-links for the Gonzalez advertisements.

Interviews:

Pedro Garcia – Candidate Miami-Dade Property Appraiser (Elected)

Garcia was interviewed. He was advised that there would be two crucial elements of the Complaint which will be considered by the Commission. The first would be the actions of Gonzalez, and whether he committed the actions with malice. The second element the COE would consider is if Gonzalez’ actions exposed Garcia to, “hatred, contempt or ridicule” or “caused him to be shunned or avoided,” or injured in his or her business or occupations.

Garcia was asked, but was unable to reference any specific instance where he was treated with contempt, was shunned or avoided, or explain how his business or occupation was injured as a result of the Gonzalez campaign advertisements. He did note that several of his campaign workers at a polling-place were taunted with comments, based on the Gonzalez political advertisements.

Eddy Gonzalez - Candidate Miami-Dade Property Appraiser

Gonzalez was interviewed by COE Investigator Penichet and this writer. Also present representing Garcia was Robert H. Fernandez (Fernandez) Esq., 500 South Dixie Highway, Suite 302, Coral Gables, Florida 33146.

The scope of the investigation was explained to Gonzalez and to Fernandez.

According to Gonzalez, the information supporting his allegations was compiled by his staff. The advertisement was prepared by DRC Communications. He reviewed and approved the content of the advertisement.

According to Gonzalez, the intent of the advertisement was to emphasize to the viewer the difference between Gonzalez and Garcia, as to the independence of the Office of Property Appraiser from Miami-Dade County Government. According to Gonzalez, his opponent did not want the office to be independent of County government; he did. This belief was a cornerstone of his campaign.

The excerpt from the Miami Herald pictured in the advertisement was inserted to emphasize that Miami-Dade County was spending over \$2.6 million on salaries for employees who spent much of their work hours, if not all of their time, away from the office dealing with union interests.

Like the previous office holder, Carlos Lopez-Cantera, Gonzalez believed that the independence of the office was crucial to efficiency. Gonzalez commented that he identified the employee earning \$100,000 for the four years that Garcia was the County's Property Appraiser, as an example of how the Garcia tolerated inefficiency in government.

According to Gonzalez, Garcia could have initiated changes moving toward independence from County government but did nothing.

Gonzalez stated that he believed that the employee's salary was crucial to this argument and that the employee's salary should have been paid by the union and not the Property Appraiser's Office's annual budget.

Gonzalez emphasized that there was no malicious intent behind the advertisement and the statements concerning the employee's salary, in his opinion, were accurate.

Gonzalez Advertisements

Garcia submitted the following Gonzalez political campaign ad. The ad was reviewed and transcribed by the investigator. The audio transcription of the ad has been made part of the investigative file. The video of the ad could not be recorded due to Miami-Dade County network limitations.

<https://www.dropbox.com/s/e66u9j9t3sv4co1/Eddy%20Gonzalez%20Commercial.mov?dl=0>

Alex Dominquez (Dominguez) is shown and says: “Pedro Garcia paid an employee more than \$400,000 of taxpayer money but this employee never reported for work. Pedro had the opportunity to correct his employee. He did not represent you well. He failed us.”

Gonzalez is shown and says: “This is Eddy Gonzalez. I will fight against fraud in our community. I will protect your money and I will give you better service. Thank You.”

As the ad opens with Dominguez speaking, in the forefront is the statement, “I support Eddy Gonzalez.” A photo of Garcia is later imposed in the forefront. Under the photo is the statement “Pedro Garcia paid an employee \$400,000.00 who never went to work, and he let it happen.” Dominguez is replaced by a portion of an Miami Herald Article with the date of June 13, 2013, the headline says “Miami Dade County Pays Millions” followed by the statement “More than 40 Miami-Dade County public employees are collecting \$2.65 million-plus in salaries from taxpayers so far this year – but they don’t have to do their county jobs the Miami Herald has learned.”

Under the Miami Herald is imposed the statement: “Pedro is against an independent Property Appraiser.”

Superimposed in the ad under is the statement: “Approved by Eddy Gonzalez for Miami-Dade Property Appraiser.”

Univision interview – Gonzalez posted 10/16/2014

As part of the Complaint, Garcia submitted the following Univision TV clip of interviews of Garcia and Gonzalez. Both Garcia and Gonzalez were interviewed at separate times and at different locations. The audio of the news clip was reviewed and transcribed by the investigator. The videos of the interviews could not be downloaded due to Miami-Dade County network limitations.

<http://miami.univision.com/destino/videos/video/2014-10-16/guerra-entre-candidatos-a-tasadores-en-miami-dade>

The News clip is labled: “El candidato Pedro Garcia acusa al tambien candidato, Eddy Gonzalez de publicar un anuncio a TV con información que no es correcta.” Posted by Univision on 10/16/2014. (The candidate Pedro Garcia accuses rival candidate Eddy Gonzalez of providing inaccurate information.) The report has been translated below.

Voice of an unknown news commentator: “A candidate for the Office of Property Appraiser for Miami-Dade County has filed a Complaint with the Miami-Dade Commission of Ethics against his opponent for the same office. Pedro Garcia says that the allegations by candidate for Property Appraiser Eddy Gonzalez are false.”

The news commentator identifies the interviewer: “In an exclusive, Carolina Rosario (reporter) explains more.”

Rosario says, “The former property appraiser, Pedro Garcia, and the former Representative from Hialeah, Eddy Gonzalez, are battling over the position that was vacated by Carlos Lopez-Cantera when he was named Vice-Governor months before the election; dropped the first bomb in conflict, in that he claims in his election advertisement that in his years that he was Property Appraiser, he paid an employee \$400.000 (is incorrect).”

Dominguez in the video referred to Gonzalez paid political advertisement: “Unjustifiable when he was the Property Appraiser Pedro Garcia paid400,000 dollars with taxpayer money.”

Note during this portion of the advertisement a facsimile of a Miami Herald article dated June 13, 2013 is shown. The article is titled: *Miami-Dade County Pays Millions....*

Pedro Garcia appears and he says, “I cannot permit the voters be fooled.”

Voice of Rosario: “Garcia said that that he will file a complaint with the Commission of Ethics. “

Garcia is shown and says “I am taking a complaint to the Commission on Ethics...The Elections Department to have them cease the advertisement.”

Voice of Rosario: “Garcia showed us a number of public records with the salaries of all the employees from the property appraiser; in those documents the salaries of employees do not exceed \$156 thousand dollars a year.”

Voice of Rosario speaking to Gonzalez: “Why doesn’t the salary of that employee appear on

the list of more than 150 employees?”

Voice of Gonzalez: “Because the employee that earned more than \$400,000, is \$100,000 per year. It is \$400,000 in four years. Yes he can say that the employees do not exist. Because in reality there is no employee who earns \$400,000 in one year.”

Voice of Rosario: “We asked if it was not confusing for the voters in not specifying the time frame. And this was his (Gonzalez’s) response.”

Gonzalez says: “We clearly told the voters, Pedro Garcia paid an employee the \$400,000 during the time he was there, an employee who did not appear for work and that is public record; you can research that.”

Voice of Rosario: “Garcia, who has 38 years as a relator, and assuredly is a candidate with more experience, and the advertisement to get an advantage in the election.”

Gonzalez says: “We live in a free county, where we have freedom of speech, the freedom of speech where we can say things. In reality, we can say things that are not true. But we are telling the truth, we are saying thing that did happen while he was in office.”

Voice of Garcia: “I am asking Mr. Eddy Gonzalez to bring forth proof of what he is announcing so that everyone will know.”

Rosario ends the interview with - Chanel 23 Univision.

Open Government Miami-Dade County Salaries Property Appraisal for 2010 (printout)
Robert J Akras – Property Evaluator 2, YTD Gross \$81,455.69.

Fernandez was asked to provide the COE with copies of the Gonzalez campaign materials referred to in the complaint. He provided two video’s via internet.

<https://www.hightail.com/download/UIRRbIRoZEtlaFM1eDhUQw>

Video 1 is in Spanish and video 2 is in English.

Translation and transcription of video 1:

Alex Dominguez appears and speaks: “Unjustifiable, when he was property Appraiser Pedro Garcia paid an employee a salary of more than \$400,000 from taxpayer money.... But this employee never showed for work. Pedro had the opportunity to take action. He did not represent us well, he failed us.”

Eddy Gonzalez appears and speaks: "This is Eddy Gonzalez speaking to you. I will fight against fraud in taxes. I will fight to protect or money and I will give you better service. "

Transcription of video 2:

Alex Dominguez appears and speaks: "Pedro Garcia wants to be Property Appraiser again, but last time he paid over \$400,000 of taxpayer money to a staffer who never showed up for work."

"He increased the office budget by 10% during the economic recession. Pedro Garcia had his chance before and he failed us."

Eddy Gonzalez appears and speaks: "I am Eddy Gonzalez. With your vote I will fight against foreign exemptions, protect our tax dollar and provide the customer service you deserve."

In both videos a facsimile of a Miami Herald article dated June 13, 2013 is shown. The article is titled: *Miami-Dade County Pays Millions...*

Miami-Dade County Election Web Site

The site was queried to determine if either candidate signed the Declaration For Candidates not Automatically Covered by the Mandatory Provisions of the Miami-Dade Ethical Campaign Practices Ordinance Miami-Dade County Code at 2-11.1.(C) (1).

There were no forms found for either Candidate Garcia or Candidate Gonzalez.

Miami Herald Tuesday July 16, 2013, Local & State Section B page 1.

Miami-Dade County. Millions Paid to union reps

Summary: (Copy in file)

The article explains that more than 40 Miami-Dade county public employees collect their salaries to function as union representatives because of agreements between Miami-Dade county and 10 unions representing public employees.

The article noted that then Property Appraiser Carlos Lopez-Cantera was unable to fire a property evaluator who did not show up for work despite his \$86,238 annual salary.

Lopez-Canters hired an attorney to pursue the matter.

The article states that the County Attorney's Office advised Lopez-Cantera could not proceed

with the termination of the property evaluator because of the existing three year labor contract. The County Attorney's Office also advised that the employee does not have to justify his work for the union.

Conclusions:

Turned over to Advocate for probable cause determination.