



Miami-Dade Commission on Ethics & Public Trust

Report of Inquiry

Investigator: Sylvia Batista

Case No: PI 14-034	Case Name: Arteaga	Date Opened:	Date Closed:
Complainant(s): Mercy Cruz a/k/a Mercedes Himmelwright	Subject(s): Juan Carlos Arteaga	07/16/14	CASE CLOSED Date: <u>8/29/14</u>

Allegation(s):

On or about 07/13/14, information was provided to the COE by Miami-Dade Aviation Department employee Mercy Cruz a/k/a Mercedes Himmelwright (Cruz) involving an apparent conflict of interest with another Miami-Dade County employee, Juan Carlos Arteaga (Arteaga). Arteaga is a Deputy Director of Capital Improvements and Regulatory Compliance at Miami-Dade County Water and Sewer Department (WASD).

Cruz informed that she met Arteaga at a 07/10/14 rezoning hearing in Southwest Ranches, Broward County, where Arteaga appeared as construction representative for the rezoning applicant. Cruz explained that she owns a home in Southwest Ranches which would be adversely impacted by the rezoning being sought by Arteaga. Cruz explained that it is improper for Arteaga to defend the interests of another at the detriment of the interests of a fellow county employee. Cruz added that although Arteaga is working in an unpaid capacity, he is doing the same job as he does at Miami-Dade County for the benefit of another.

Relevant Law:

Miami-Dade Conflict of Interest and Code of Ethics Ordinance:

Section 2-11.1 (j), “*Conflicting employment prohibited.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.”

Section 2-11.1(k)(2), “*Prohibition on outside employment by County personnel and disclosure requirement.* All full-time County and municipal employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade County, or the respective municipality...shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to same and any amount or types of money or other consideration received by the employee from said outside employment...”

Section 2-11.1(i), “*Financial Disclosure.* All persons and firms included within subsections (a) and (b)(2), (3) and (4) of this section shall file, no later than 12:00 noon of July 1st each year including the July 1st following the last year that person is in office or held such employment, one (1) of the following: (a.) A copy of that person’s or firm’s current federal income tax return; or (b.) A current certified financial statement on a form of the type approved for use by State or national banks in Florida...; or (c.) An itemized source of income statement, under oath and on a form approved by the County for said purpose.”

Investigation:

Document Review and Research -

08/07/14 – Review of related documentation:

- Florida Department of State Division of Corporations corporate information regarding Arteaga’s corporation, A & A Architect, Inc. (A&A). A&A is an active, For-Profit corporation originally formed in 1998. A&A was inactive from 2007 until it was reinstated on 12/08/11.
- Property information from the Broward County Property Appraiser’s office in reference to Arteaga’s house located in Weston (Broward County).
- Conceptual Site Plan of the South Florida Hindu Temple (SFHT) located in Southwest Ranches, Broward County, Florida. The plan was prepared by A & A and Arteaga, AIA License #0014735.
- Miami International Airport press release transmitting information regarding Arteaga’s past service for Miami-Dade County as Program Director for MIA’s North Terminal Development Program since December of 2005. Arteaga’s duties included managing and directing the design and construction of the \$2.9 billion NTD Program. Arteaga has a broad range of experience as a professional architect, urban planner, general contractor and design-build and construction manager spanning 28 years.
- Arteaga has served as an adjunct professor at Florida International University (FIU)

teaching courses in building codes and regulations and quality control and assurance to graduate and undergraduate students.

- Arteaga has taught at Universidad Privada de Santa Cruz (1996-1998) and at the Universidad de Mayor de San Simon (1984-1985).
- Outside Employment Statement for the tax year ending 2011 wherein Arteaga reports receiving compensation in the sum of \$9,000 for his work as a professor at FIU. The form is dated 06/30/10 and file stamped 08/03/10, which indicates that the form is likely to be for the tax year ending 2009 and not 2011.
- Request for Outside Employment dated 01/15/13 authorizing Arteaga to engage in outside employment as an adjunct professor at FIU. The form was provided to the COE on 07/25/14 by Madry Wallace, Jr., HR Division Director for Miami-Dade Aviation Department. In his e-mail, Mr. Wallace advised that this is the only outside employment approval on file in the Aviation Department for Arteaga, but noted that Arteaga transferred from Aviation to WASD as of 04/15/13.
- Request for Outside Employment dated 04/03/14, authorizing Arteaga to engage in outside employment at FIU Main Campus and Pines Center Campus.
- Statement of Financial Interest (Form 1) for 2011 filed by Arteaga. This is the only financial disclosure form filed by Arteaga pursuant to the Department of Elections records. At the time that he filed the form, Arteaga held the position of NTD Program Director in the Aviation Department.

Chart of Arteaga’s Outside Employment filings -

A & A Architect, Inc. – Arteaga has not filed any outside employment forms in relation to his company. Although he does provide professional services to A&A, he has not received compensation from it since he began working for the county in December of 2000. Arteaga incorporated this company in 1998.

Request for Outside Employment (Approval)	Due Date	For year	Outside Employment Statements	Due date	For tax year ending
No filing on record	2013	2014	No filing on record	7/1/12	2013
No filing on record	2012	2013	No filing on record	7/1/11	2012
No filing on record	2011	2012	No filing on record	7/1/10	2011

Florida International University – Adjunct Professor – Arteaga has worked at FIU as an adjunct professor since 2007. He has been duly compensated for his work as adjunct professor at FIU, and has sporadically filed outside employment forms in relation to this employment.

Request for Outside Employment (Approval)	Date filed	For Year	Outside Employment Statements	Due Date	Tax year
Filed	04/04/14	2014	No filing on record	7/1/14	2013
Filed	01/23/13	2013	No filing on record	7/1/13	2012
No filing for this year.		2012	Incorrectly filed on 8/3/10 for tax year ending in 2011. This filing is applicable to the tax year ending 2009.	7/1/12	2011
Filed	07/16/10	2011			
No filing		2010			
Filed	06/21/08	2009			
Filed	05/10/07	2008			
Filed	03/23/06	2007			

Interviews and e-mails:

08/07/14 – Juan Carlos Arteaga, Deputy Director Capital Improvements & Regulatory Compliance, Miami-Dade County Water and Sewer Department –

Arteaga was contacted and gave a brief telephone interview to the COE investigator. Arteaga said that he recalls someone at the rezoning meeting who told him that she was a Miami-Dade County Aviation Department employee. Arteaga said that he did not receive any compensation from the applicants for the work that he performed for A&A in connection with their rezoning application in Southwest Ranches. Arteaga advised that he has never done any architectural work for a fee while working for Miami-Dade County. Arteaga explained that he has signed and sealed countless construction documents for the Miami-Dade County Aviation Department in his capacity as NTD Program Director, but has not collected any compensation aside from his regular paycheck.

Arteaga confirmed that he has a For-Profit Florida corporation called A & A, which he formed before commencing his work with Miami-Dade County Building Department in December 2000. Arteaga said that he provides professional services to A&A, but maintains that he has not received any compensation for his work since he started working for the county. Arteaga said he had understood that he did not have to file an Outside Employment Statement to report compensation since he has not received any compensation for services provided through A&A. Arteaga said that he received compensation for his professional services rendered through A&A prior to working for the county.

Arteaga said that he has been an adjunct professor at FIU since 2007. Arteaga said that as an adjunct professor at FIU he has always received compensation. This is the reason why he has requested approval for outside employment at FIU since 2007.

Arteaga said that the rezoning work he did in Southwest Ranches for the South Florida Hindu Temple was limited to a Conceptual Site Plan for a rezoning request that he prepared in his house and did not take more than 8 hours. Arteaga said that A&A was not compensated for the work. A&A's corporate address is 2864 Oakbrook Drive in Weston, which is his domestic address.

Arteaga explained that he will keep A&A as an active corporation because he will work through that company once he has retired from the county.

Arteaga agreed to provide copies of his outside employment documentation.

08/19/14 – Juan Carlos Arteaga –

Arteaga provided the following information regarding the positions he has held with Miami-Dade County since commencing his employment in December of 2000:

- December 2000 to December 2005: Miami-Dade Building Department; Assistant Building Division Director; promoted to Airport Division Director;
- December 2005 to April 2013: Miami-Dade Aviation Department; NTD Design Manager; promoted to NTD Program Director; and
- April 2013 to present: Miami-Dade Water & Sewer Department; Assistant Director for Capital Improvements; promoted to Deputy Director for Capital Improvements & Regulatory Compliance.

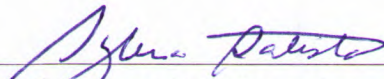
08/22/14 – Juan Carlos Arteaga –

Arteaga was informed of the status of his filings in connection with his outside employment activities and yearly financial disclosures. The COE requested that Arteaga comply with the requirements by providing Outside Employment Statements for A&A and FIU for the years 2011, 2012 and 2013, and Source of Income Statements or Statement of Financial Interests for the 2012 and 2013 tax years.

Arteaga complied with all filing requirements by providing e-mailed copies of the items requested on 08/26/14. The COE will forward Arteaga's forms to the Department of Elections for filing.

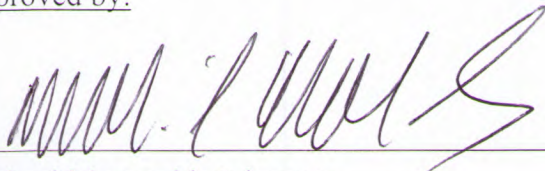
Conclusion(s):

The allegation of conflict of interest resulting from Arteaga's activities in Broward County was determined to be without merit. However, the COE's review of Arteaga's compliance with filing requirements related to his outside employment activities and yearly financial disclosure concluded that certain filings needed to be updated. In order to avoid further action from the COE, Arteaga complied with all filing requirements as requested. Given that Respondent is now fully in compliance, this matter is closed with no further action.

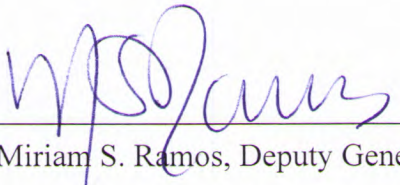


Sylvia Batista, COE Investigator

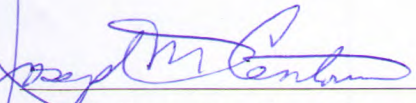
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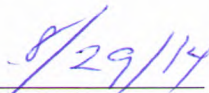
Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director



Date