

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

#K12-129

Date Opened: 08/20/12

Date Closed: 09/21/12

Investigator: Sylvia Batista

On August 17, 2012, the COE received an e-mail from Roberto J. Suarez (Suarez) in which he informed that the newly elected member of Community Council #10, Sub Area 106, Manuel “Manny” Valdes (Valdes), may be in violation of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. Suarez questioned the accuracy of Valdes’ Statement of Financial Interest (Form 1), and the veracity of the residency information provided on his qualification papers for the reason that Valdes claims homestead exemption at another address.

The COE’s issue relates to a possible violation of Miami-Dade County Conflict of Interest and Code of Ethics Ordinance Section 2-11.1(i)(1) *Financial Disclosure*, Florida Statutes Section 112.3145, and Miami-Dade County Code Section 20-43(A)(1).

Investigation:

Research conducted revealed that Valdes' address, as reported on his qualification papers, is 11963 SW 37 Terrace, Miami. Furthermore, Valdes claims a homestead exemption at 8246 SW 10 Terrace, Miami. Both properties are owned by "The Manuel Valdes Linares Revocable Trust" (the "Trust") and by Manuel Valdes Linares.

09/19/12 – Manuel A. Valdes –

Valdes was contacted in connection with the aforementioned issues. Valdes stated that he does not own any property and presently has no source of income. His wife, who is employed, is presently paying all of their household expenses. Valdes was asked about the "Trust" under which his properties are held and he informed that the "Trust," in its entirety, belongs to his father, Manuel Valdes Linares. Valdes stated that he is not Manuel Valdes Linares.

Valdes explained that his mother, Hilda Valdes, passed away in May of 2009. Shortly after his mother passed, his father created a trust which includes three separate properties. One property is the house where Valdes lives, 11963 SW 37 Terrace. The second property is where Valdes' father lives, 8246 SW 10 Terrace and where he claims his homestead exemption. The third property is 705 SW 96 Court, Miami, which is usually rented. Valdes explained that he and his brother are the only beneficiaries to the "Trust." Valdes said that he was told by an attorney that the "Trust" belonged to his father until he is deceased and for this reason he does not have to report it on his Form 1.

Valdes said that he will immediately amend his Form 1 to include the “Trust” under Part C, and will add an IRA account under Part D. Valdes said that he does not have any liabilities.

This investigator provided Valdes with a letter instructing him on the preparation and filing of his Amended Form 1.

09/20/12 – Valdes contacted this investigator and said that his father wanted to know why he had to report the “Trust.” Manuel Valdes Linares confirmed what his son had stated a day earlier—that he resides at 8246 SW 10 Terrace and that he is the owner of the “Trust” to which his two sons are beneficiaries.

09/20/12 – The Office of the Property Appraiser provided the COE with a synopsis of the subject properties as requested. The inspection concluded that Valdes does not own any property in Miami-Dade County. Moreover, all primary residency proofs such as driver license, voter’s registration and utilities indicate that Valdes resides at 11963 SW 37 Terrace. A field inspection performed at 8246 SW 10 Terrace, determined that the property owner, Manuel A. Valdes Linares Sr., resides at this address and is legally claiming homestead exemptions on that property.

09/24/12 – Valdes provided this investigator with a copy of the original amended Form 1 filed with the Department of Elections.

Conclusion:

In view of the fact that Valdes has been determined to reside at the address listed on his qualification papers, and the homestead exemption being claimed by his father as the owner of the second parcel is legal and the fact that Valdes has properly amended his Form 1, this matter is closed without further action.

