

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

No. K12-133/C12-33

Date opened: 8/28/12

Date closed: 9/26/12

Investigator: Breno Penichet

Al Crespo (Crespo) filed Ethics Complaint C12-033, which alleges that City of Miami Mayor Tomas Regalado (the Mayor) and City Commissioners Marc Sarnoff (Sarnoff) and Francis Suarez (Suarez) exploited their official positions by utilizing their City-provided Sergeant-at-Arms (S@A) for their personal use. Complainant further alleges that it constitutes an exploitation of official position and a “violation of City policy” for non-City officials (i.e. the Mayor’s campaign manager Armando Guterrez (Gutierrez) and Commissioner Sarnoff’s wife) to ride in the vehicles used by the S@A.

Investigation:

In the complaint, Crespo sites an alleged violation that took place on Election Day, August 14, 2012. On that day, according to Crespo, Miami-Dade Mayor Carlos Gimenez (Gimenez) was scheduled to lunch at Versailles restaurant (Versailles) in Little Havana. Crespo bases his allegations on what was purportedly reported in the August 19th issue of Dan Ricker’s (“Watchdog Report.”) According to the Report, Commissioners Suarez and Sarnoff were driven to Versailles by a S@A. Along with the Commissioners, Sarnoff’s wife was allegedly transported by the S@A.

Crespo also sites the March 2010 “Ladies in White” protest rally on SW 8th street wherein the Mayor arrived in an SUV driven by a Police Major. Crespo photographed Gutierrez sitting in the rear of the SUV. By way of background, it should be noted that the “Ladies in White” (“*Damas de Blanco*”) is an opposition movement in Cuba consisting of wives and other

female relatives of jailed dissidents. In the City of Miami, rallies in support of the “Ladies in White” have been held and sponsored by various celebrities, including Gloria Estefan.

COE investigators interviewed Major Raul Herbello (Herbello). Herbello is not a S@A. He is in charge of the “Special Events” department of the City of Miami Police Department. Herbello recalls the March 2010 “Ladies in White” event; he was heavily involved with the police presence at this event. He advised that the event stretched several miles along SW 8th Street (Calle Ocho). At some point, Herbello was advised by one of his superiors to transport the Mayor and his guest to the staging area further up the road. He stated that the Mayor was not the one who requested the transportation. Herbello drove the Mayor and Gutierrez approximately five (5) blocks and dropped them off. He did not believe that he was in violation of any City policy by transporting the Mayor and Gutierrez for 5 blocks during this event. According to Herbello, there were thousands of people attending this event. Upon viewing the photocopies of the pictures supplied by Crespo as part of the complaint, he noted that, the photo appears to be possibly “photo shopped” specifically that his image appeared to be standing very stiffly and the door to the vehicle seemed to be out of proportion in height to Herbello. However, since this event occurred two (2) years ago, and his interaction with the Mayor was very brief, he could not recall many specific details.

COE investigators interviewed Ray Carvil (Carvil), Lead S@A. Carvil explained that the Office of the S@A consists of four (4) officers. The S@A is a division of the City of Miami Police Department Intelligence and Terrorism Unit. He provided a copy of the Standard Operating Procedures (SOP). The SOP provides, among other things, that S@As “provide protective coverage to City Commissioners at ...public appearances and coordinate transportation for City Commissioners to meetings and special events and handling community oriented details/assignments as requested by individual Commissioners.” The SOP further provides that the S@A shall provide security of the Mayor. Additionally, the SOP mandates that “the S@A is required to attend any meeting where two or more City Commissioners are present.” It should be noted that the SOP does not contain any prohibition on the transporting of any other individuals other than the Mayor and Commissioners. Carvil specifically advised that if the Mayor or a Commissioner needs travel to a specific meeting, event or location there is no prohibition he is aware of that would prevent a passenger coming along if so directed by the Mayor or Commissioner. He stated that on any given day, if the Mayor or a Commissioner

asked for transportation merely to go to lunch, Carvil would not consider that an inappropriate use of the S@A office. He noted that the primary function of the S@A is to protect the Mayor and Commissioners.

Conclusion:

Reviewed all the information gathered with Advocate Michael Murawski, he requested this investigation be close

Refer to Probable Cause Memorandum Re: C12-33 (Crespo v. Regalado, Sarnoff, and Suarez).