

# MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



## REPORT OF INVESTIGATION

K 12-182

Date Opened: December 3, 2012

Date Closed: January 29, 2013

Name of Investigator: Breno Penichet

---

### **Allegation:**

Town of Medley Mayor Roberto Martell may be violating the Town's Charter by not taking certain items before the Council for a vote.

### **Applicable Legislation:**

Exploitation of Official Position, Sec. 2-11.1(g):

“No person included in the terms defined in Subsections (b)(1) through (b)(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...”

### **Investigation:**

A telephone call was received from Medley Commissioner Jack Morrow (Morrow) advising that the newly-elected Mayor, Martell, may be violating the Town's Charter. Morrow advised that the Mayor is moving the Police Department to City Hall and entering construction contracts out without putting them out to bid. Morrow was asked if the Mayor had any discretion or limit to grant contracts without going out to bid and he advised that he (Martell) does not<sup>1</sup>.

---

<sup>1</sup> Jack Morrow was formerly Medley Mayor for at least one term, so he is familiar with the powers and the authority of the Mayor.

Morrow also advised that Martel is not listening to the City Attorney and is not going to the Town Council with matters that should go to them according to the Charter.

Subsequent to the receipt of the information from Morrow, the COE received a fax from Mayor Martell, advising the Council that he spoke to the City Attorney and he is now aware of his limitations and the need to present matters to the Council before taking any type of action in certain instances. The letter went on to explain his actions to this point and the fact that he did what he thought was necessary to expedite matters and save the Town needed revenue.

COE Investigators spoke to town Attorney Michael Pizzi (Pizzi). Pizzi advised that he was aware of all the changes done by the Mayor and that he had been advising the Mayor all along on how to proceed. Pizzi advised that he instructed the Mayor to write the letter in order to maintain peace and harmony and as a courtesy and advised that the Mayor should keep the Council informed in order to avoid any misunderstandings in the future.

COE Investigators spoke to the Mayor, who verified the information provided by the City Attorney. Martell further advised that he made the changes in order to save money and save jobs. Martell advised that he will keep the council informed as to his actions but he is the Town Administrator and has to have the flexibility to take action when needed.

#### **CONCLUSION:**

Advocate Michael Murawski advised that no further action would be taken since there does not appear to be any ethics related violation. The COE does not enforce the Town's Charter. Accordingly, the instant case is closed without further action.