

# MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



## REPORT OF INVESTIGATION

K #: 12-055

Date Opened: March 29, 2012

Date Closed: April 10, 2012

Name of Investigator: Manuel W. Diaz

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### **Allegation:**

City of Miami employee, Juan Francisco Rivera (Rivera) may have used his position and influence to secure City of Miami Section 8 benefits for the mother of a woman who he has a relationship with.

### **Applicable Legislation:**

Miami Dade County Code of Conduct and Conflict of Interest Ordinance, Sec 2-11.1 states,

“(g) Exploitation of official position prohibited. No person included in the terms defined in Subsections (b) (1) through (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 except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners. “

## **Investigation:**

The Commission on Ethics (COE) received information from the Miami-Dade Inspector General (IG) that a City of Miami employee may have used his position and influence to secure Section 8 benefits for the mother of an individual that he had a relationship with. Attached to the IG Memorandum was a copy of a website complaint received by the IG.

The attempt to verify the information produced the following information:

- a. Rivera is not a City of Miami employee. He is employed by Miami-Dade County as a Clerk 2 assigned to the Finance Department.
- b. The email address provided by the complainant, Alejandro Gonzalez, [jrivera@miamidade.gov](mailto:jrivera@miamidade.gov) is a Miami-Dade County issued email.
- c. Precinal Earnestina AKA Earnestina Cardenas (Cardenas) is the mother of the woman with whom Rivera has a relationship. She currently lives at 1010 NW 22 Ave, Miami Florida.
- d. Yasmin Hayaime (Hayaime) is Cardenas' daughter. Both she and Cardenas live at 1010 NW 22 Ave., Miami, Florida.
- e. Cardenas is listed with the Miami-Dade Public Housing Authority (MDPHA) as receiving a Section 8 housing grant. There is no listing for a Section 8 housing grant for the address with the City of Miami.

## **Interviews:**

### **Crystal Coleman - MDPHA Contract Administrator**

Coleman advised that the Cardenas' Section 8 funding comes through a grant program administered by Citrus Health Network (CITRUS), 4175 W 20<sup>th</sup> Street, Hialeah,

Florida 33012. She explained that recipients apply for Shelter Plus Care Program (SPCP) grants directly from CITRUS, who maintains the waiting list and determines who is eligible to receive the grant. The grants are currently funded by the Miami-Dade Homeless Trust. MDPHA has no input into the selection of the CITRUS applicant that receives the grant. The decision as to who receives the grant lies solely with CITRUS. In Coleman's opinion, it would be impossible for anyone in Miami-Dade government to influence the selection of the Section 8 voucher recipients.

The MDPHA Cardenas file was reviewed with Coleman. The file indicates that Cardenas has participated in the SPCP grant for a number of years, moving several times during her participation in the program. Rivera's name does not appear in the file.

**Juan Fernando Rivera** – Clerk-2 Miami-Dade Finance

Rivera was interviewed on April 6, 2012 in the COE office. He advised that he knows the complainant. According to Rivera, the real name of the complainant is Alejandro Castillo (Castillo) not Gonzalez as reported to the IG. Rivera advised that Castillo told him that he would be making the complaint and that Castillo has threatened him in the past.

Rivera explained that he has been employed by Miami-Dade for sixteen (16) years, during that time he has been rolled back and/or transferred a number of times. He was initially hired as a field officer for MDPHA. He worked there until 2005. In 2005, he was transferred to Code Compliance. Since then, he has been transferred to the Seaport, GSA, Elections, Public Works and is currently assigned to Finance as a Clerk 2.

Rivera continued that sometime in either 2001 or 2002, while working as a field officer with MDPHA, he met and began a relationship with Hayaime. Hayaime inquired if there were any MDPHA programs available to assist her mother. Rivera suggested the SPCP and gave Cardenas the name of a contact person with CITRUS. Cardenas contacted CITRUS and was placed on the SPCP waiting list and eventually was chosen to receive a grant for a Section 8 voucher, which she has maintained since.

**Summary of Facts:**

1. A complaint against Rivera was received by the IG and transmitted to the COE
2. Rivera was interviewed and acknowledged that he assisted the mother of a friend by referring her to CITRUS for assistance through SPCP in either 2001 or 2002.
3. CITRUS receives funding for SCPC through the Miami-Dade Public Health Trust. MDPHA monitors the SCPC grant.
4. CITRUS is a registered Florida Not-For-Profit agency.
5. Coleman, the contract administrator for the MDPHA, advised that CITRUS selects participants for SPCP and that Miami-Dade employees have no input in the selection.

**CONCLUSION:**

There is no evidence of a violation of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. Therefore, after review and consultation with the Ethics Commission Advocate, this investigation is closed and no further action is warranted.