

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K #: 12-096

Date Opened: June 29, 2012

Date Closed: July 12, 2012

Name of Investigator: Manuel W. Diaz

Allegation:

The blog Eye on Miami, "www.eyeonmiami.blogspot.com" alleged that Miami-Dade, District 9 County Commission candidate Alice Peña (Peña) "lied under oath." As proof of the allegation, the blog referred to campaign material authorized by Peña and carried on You-Tube. The advertisement contained the caption:

"As the president of ADGE Pharmaceuticals, Inc. (ADGE) and PNS Farms, Inc. I am an entrepreneur helping to put Floridians back to work..."

The blog cites that Peña, as the President of ADGE, was required to report any interest in or income from ADGE on the State of Florida Form 6 Full and Public Disclosure of Financial Interests that Peña submitted as part of her Miami- Dade County (MDC) Candidate Qualification Package (CQP). The blog specifically states that Peña did not list ADGE in Parts D and E of the Form 6, as required. The blog notes that the Form 6, submitted on May 29, 2012, was sworn to and attested to by Peña.

Applicable Legislation:

Florida Constitution

SECTION 8.-Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

- (a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.

Florida Statutes, Sec. 112.3145, Disclosure of Financial Interests

“(2)(a) A person seeking nomination or election to a state or local elective office shall file a statement of financial interests together with, and at the same time he or she files, qualifying papers.”

Instructions for Completing and Filing Form 6 Full and Public Disclosure of Financial Interests, State of Florida CE Form 6 – Effective January 1, 2012 (Copy in investigative file).

Miami Dade County Voluntary Statement of Fair Campaign Practices (COE revised 5/2010)

“11. I will not use or permit the use of campaign material that falsifies, distorts or misrepresents the facts.”
(Copy in the investigative file)

Investigation:

A copy of the Peña campaign material, containing the following phrase, was copied from Pena’s You-Tube posting and has been made part of the investigative file. In the campaign material Peña states,

“As the president of ADGE Pharmaceuticals, Inc, and PNS Farms, Inc, I am an entrepreneur helping to put Floridians back to work, ...”

A copy of Peña’s CQP was downloaded from the Miami-Dade Elections website. The CQP contains the Form 6 submitted by Peña. The Form 6 referred to in the blog was included

with the CQP. The CQP did not contain a Voluntary Statement of Fair Campaign Practices executed by Peña. The CQP was made part of the investigative file.

Interviews:

Alice Peña – Candidate District 9

Peña was interviewed via telephone and advised the following. ADGE was a company that she owned for 13 years. She was the president of the corporation. The 2011 For-Profit Corporation Annual Report, referred to in the blog, was completed and filed by her accountant on April 25, 2011. In 2011, she decided not to continue with the company. She did not file a For-Profit Corporation Annual Report for 2012. Her accountant advised her that if she did not file the report for 2012, the corporation was automatically dissolved by the Secretary of State's Office.

Peña advised that since there was no corporation, she could not receive income in 2012; therefore she did not list income under Part D – “Income” of the Form 6 that she submitted as part of her CQP. Likewise, because there was no corporation, she did not list the corporation under Part E – “Interest in Specified Businesses” of the Form 6.

Peña was asked concerning the statement in her campaign advertisement where she refers to herself as the president of ADGE. Peña responded that she was the president of the corporation prior to the 2012 dissolution of the corporation by the State. She continued that as the president of ADGE and PNS she was an entrepreneur and employed individuals, so her statement is not untruthful.

Conclusion:

No violation of ordinance within the purview of the Miami-Dade County Commission on Ethics and Public Trust was identified accordingly, this matter is closed without further action.