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## Miami-Dade County Commission on Ethics and Public Trust

# Memo

**To:** Joseph Centorino, Executive Director  
Michael Murawski, Ethics Advocate  
Rhonda Victor-Sibilia, Communications Director

**From:** Larry Lebowitz, Investigator

**Date:** Sept. 15, 2015

**Re:** Public Records Request/COE Case #K13-124 (Boria)

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My complaint to the Florida Elections Commission, including a detailed Statement of Facts and all of the backup materials, is contained in this binder. The complaint is fairly self-explanatory and serves as my final report.

I worked on the case in conjunction with AUSA Luis Perez-Medina of the Miami-Dade State Attorney's Office for a little more than a year. I was instructed to file the complaint with the Elections Commission in late November 2014 after the State Attorney's Office decided not to file criminal charges against Doral Mayor Luigi Boria or his wife – and campaign treasurer – Graciela Boria.

To the best of my knowledge, the state Elections Commission is still investigating this matter. I have had minimal contact with an Elections Commission investigator in recent months. A copy of my email chain with that investigator and the documents I voluntarily provided to the investigator are located in the back of this binder.

Also located in the back of the binder: A series of documents related to the Boria campaign that was provided under subpoena by state Rep. Joseph Geller after I filed the complaint. Geller, who was a paid legal adviser to the 2012 Boria campaign, gave a sworn statement in November 2014. That same day, Geller was served a subpoena to produce related documents; he took several months to comply – the documents arrived long after the complaint was sent to the Elections Commission.

The case was officially opened on Oct. 1, 2013, shortly before former Doral City Manager Joe Carollo levied many of these same accusations against the Borias in a public session

of the Doral City Council. As you will note, the binder includes an affidavit from Mr. Carollo, covering a limited area of testimony, which I included in the backup materials to my complaint to the Elections Commission.

Sworn statements were taken from the following witnesses: Calogero "Carlos" Alaimo; Gonzalo Bello; Joseph Geller; Marialsy Guevara (2); Carla Pella; Nioves Portillo, and Sasha Tirador.

I have excerpted relevant portions of these statements for the complaint, but do not have complete copies of the transcripts. They can be found at the Miami-Dade State Attorney's Office. I still need to secure a complete copy of the SAO file -- including all of the subpoenas, phone and financial records --- for our close-out purposes.

copy

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050  
Telephone Number: (850) 922-4539  
www.fec.state.fl.us

CONFIDENTIAL COMPLAINT FORM

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

1. PERSON BRINGING COMPLAINT:

Name: Lawrence J. Lebowitz  
Miami-Dade Commission on Ethics and Public Trust Work Phone: (305) 579-2594  
Address: 19 W. Flagler Street, Suite 820 <sup>Direct</sup> Home Phone: (305) 350-0611  
City: Miami County: Miami-Dade State: FL Zip Code: 33130

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: LVI61 BORJA  
Address: 4671 NW 93rd Dorval Court Phone: (305) 593-9269  
City: Doral County: Miami-Dade State: FL Zip Code: 33178

If individual is a candidate, list the office or position sought: Mayor

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: Chapter 104, Chapter 106, and Section 105.071, Florida Statutes. Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations.

Please see attached Statement of Facts.  
Supporting documents and exhibits will be provided under separate cover.  
Statutes 106.08(1)(a)  
106.07(4)(a)  
106.11  
106.08(3)(a)

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Additional materials attached (check one)?  Yes  No

**4. OATH**

**STATE OF FLORIDA**

**COUNTY OF \_\_\_\_\_**

**I swear or affirm, that the above information is true and correct to the best of my knowledge.**

\_\_\_\_\_  
**Original Signature of Person Bringing Complaint**

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of Officer Authorized to Administer Oaths or Notary public.

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known \_\_\_\_\_ Or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

## STATEMENT OF FACTS

COMES NOW LAWRENCE J. LEBOWITZ, an investigator with the Miami-Dade Commission on Ethics and Public Trust, and hereby declares the following Statement of Facts to disclose violations of Chapter 106, Florida Statutes.

1. Luigi Boria serves as the Mayor of the City of Doral, having been elected to that position in 2012.
2. An investigation has been conducted jointly by the Miami-Dade Commission on Ethics and Public Trust and the Miami-Dade State Attorney's Office into possible violations of Chapter 106, Florida Statutes, committed in connection with the 2012 campaign of said Luigi Boria for the position of Mayor of the City of Doral.
3. During the campaign which resulted in his election as Mayor of the City of Doral, there were several violations of Chapter 106, Florida Statutes, which occurred in the campaign of Luigi Boria. These violations were as follows:
  - a. The acceptance of an in-kind contribution from Sacred Family Investments for campaign office space, valued at \$3,700 per month, in violation of F.S. 106.08(1)(a); also the failure to report said contribution in violation of F.S. 106.07(4)(a).
  - b. Authorizing expenditures that exceeded the funds available in the campaign account in violation of F.S. 106.11.
  - c. Accepting a \$1,700 contribution in the form of a candidate loan, on Jan. 17, 2013, seven weeks after the election, in violation of F.S. 106.08(3)(a).
4. Graciela Boria was appointed campaign treasurer by her husband. The candidate appointed himself a deputy treasurer of the campaign.
5. On April 16, 2012, Luigi Boria called the offices of Sacred Family Investments requesting to speak to its owner Dr. Calogero Alaimo. Mr. Boria explained that he was a candidate for Mayor of the City of Doral and was looking to rent campaign office space at Delia Plaza. Delia Plaza is a shopping center in the city of Doral which is owned by Sacred Family Investments. Dr. Calogero Alaimo is the sole owner of Sacred Family Investments. An email of the conversation with Mr. Boria was sent to Dr. Alaimo. Dr. Alaimo agreed to speak to Mr. Boria and provided his contact phone number.
6. On April 20, 2012, Luigi Boria called the offices of Sacred Family Investments explaining that he had spoken to Dr. Alaimo and that he agreed to facilitate a unit at Delia Plaza until the date of the election. Mr. Boria was anxious to obtain the keys to the unit. In an email from Venezuela, Dr. Alaimo replied that Mr. Boria should be given the keys to the unit right away.

7. Sometime after April 23, 2012, Marialsy Guevara, the property manager for Sacred Family Investments, called Dr. Alaimo and suggested that instead of giving the unit to the Boria campaign for free (or as a loan) that the campaign should at least be charged \$200 per month to cover the utilities for the unit. Sacred Family Investments paid the electric and water utility bills for the Luigi Boria campaign headquarters unit.
8. Sometime between April 23, 2012 and May 18, 2012, three rental units were shown by Marialsy Guevara to Luigi Boria and Graciela Boria. Luigi Boria decided to take possession of the 1,480 square-foot storefront at 10732 NW 58<sup>th</sup> Street, Doral, FL, as the future campaign headquarters. Luigi Boria and Graciela Boria were told that the unit would be rented for \$200 per month plus tax.
9. In a sworn statement, Marialsy Guevara stated that she had authority to rent units at Delia Plaza in a price range of \$26-to-\$35 per-square foot without Dr. Alaimo's permission.
10. The unit selected by the Boria campaign was rented for \$1.62 per square foot (\$200 per month times 12 months divided by 1,480 square feet). Comparable-sized commercial tenants were paying upwards of \$30 to \$40 per square foot in the same plaza.
11. Goodwill Industries, which rents three parking spaces on the periphery of the plaza for a donation trailer, pays \$700 a month for 1,000 square feet of space, or \$8.40 per square foot.

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12. On May 5, 2012, someone from the offices of Sacred Family Investments contacted Florida Power and Light and had the electricity for the campaign unit placed under the name of Sacred Family Investments. The electricity remained under the name of Sacred Family Investments until December 4, 2012 when the Boria campaign vacated the unit. From May 5, 2012 until December 4, 2012 Florida Power and Light charged \$2,830.41 for electricity at the campaign headquarter unit. Sacred Family Investments paid these costs, not the Boria campaign.
13. On May 18, 2012 Marialsy Guevara prepared a lease for the campaign headquarters at 10732 NW 58<sup>th</sup> Street, Miami, FL. The lease was between the Luigi Boria Campaign and Sacred Family Investments. The unit contained 1,480 square feet and was being rented for \$200 a month. The lease covered a seven-month period beginning on May 18, 2012 and ending on December 18, 2012. The lease was initialed on every page by Graciela Boria and Marialsy Guevara. The lease was signed by Graciela Boria, Luigi Boria and Marialsy Guevara. Also included with the lease was a guarantee between Luigi Boria and Sacred Family Investments. The guarantee was signed by Graciela Boria.
14. On May 21, 2012, Graciela Boria emailed Marialsy Guevara asking for a new lease for the same campaign office. In the new lease, the Luigi Boria Campaign was

replaced by the name G & R Strategies LLC as the tenant. The rental terms remained the same. G & R Strategies LLC is a wholly owned corporation controlled by Luigi Boria's campaign consultant Sasha Tirador.

15. On May 22, 2012, a revised lease for the campaign office was signed by Sasha Tirador and Marialsy Guevara.
16. In an email dated May 22, 2012, Graciela Boria asked Marialsy Guevara for the bill for the campaign office. Graciela Boria stated that once she had the invoice in hand, she would take it to [Sasha Tirador of G&R Strategies] with her [campaign] check and [Tirador] would issue a check [from G & R Strategies] to Sacred Family Investments.
17. On May 22, 2012, an invoice was sent by email to Graciela Boria for May's rent along with a copy of the lease. The amount due for May was \$214. On May 22, 2012, the same date that Tirador signed the lease, G & R Strategies issued check number 3391 for \$214 to Sacred Family Investments, Inc. Also on that date, the Luigi Boria campaign issued check number 1046 to G & R Strategies for \$214.00. The check was signed by Graciela Boria. The remittance was reported on the July 10, 2012 campaign report as "print outs."
18. On June 20, 2012, the Boria campaign issued check number 1069 for \$200 to G&R Strategies. The memo on the check states "material." The check was signed by Graciela Boria. That same day, G & R Strategies issued check number 3631 to Sacred Family Investments for \$200, even though the campaign was supposed to pay \$214. On June 29, 2012, Sacred Family Investments issued an invoice for \$214 for the June rent. The expenditure was reported on the Campaign Treasurer's Report as "campaign materials."
19. On July 31, 2012, Sacred Family Investments issued an invoice for the August rent in the amount of \$227. On August 31, 2012, Sacred Family Investments issued an invoice to G & R Strategies for \$441 covering August and September's rent. On September 6, 2012, G & R Strategies issued check number 4430 for \$430 to Sacred Family Investments.
20. On July 31, 2012, Sacred Family Investments issued an invoice for the August rent in the amount of \$227. On August 31, 2012, Sacred Family Investments issued an invoice to G & R Strategies for \$441 covering August and September's rent. On September 6, 2012, G & R Strategies issued check number 4430 for \$430 to Sacred Family Investments.
21. On the evening of Sept. 13, 2012, Luigi Boria sent an email to Carla Pella, a paid campaign worker handling the bookkeeping and treasurer's reports, instructing Pella to record a \$250 in-kind donation to the campaign from G & R Strategies. In the early morning hours of Sept. 14, Boria sent Pella a follow-up email instructing her to ignore the earlier email about the in-kind donation.

22. On September 14, 2012, the Boria campaign issued check number 1130 in the amount of \$500 to G & R Strategies for "August Rent." The check was signed by Graciela Boria and reported on the campaign treasurer's report as "august thru september rent."
23. On September 28, 2012, Sacred Family Investments issued an invoice to G & R Strategies for \$225 for the October rent. On October 16, 2012, the Boria campaign issued check number 1170 in the amount of \$500 to G&R Strategies for "rent Oct & Nov." The check was signed by Graciela Boria and reported on the campaign treasurer's report as "rent oct-nov." On October 18, 2012, G & R Strategies issued check number 1019 to Sacred Family Investments for \$430 covering October and November rents. This was the last rent payment made by the Boria campaign. On October 31, 2012, Sacred Family Investments issued an invoice to G & R Strategies for \$214 covering November's rent.
24. In late October or early November 2012, a potential new tenant, Zoila Fernandez, doing business as J & Z Wellness, Inc., expressed interested in renting the Sacred Family Investments unit at 10732 NW 58<sup>th</sup> Street, Miami, FL. J & Z Wellness could not immediately occupy the unit because the Boria campaign was still using it for headquarters and had a valid lease until Dec. 18, 2012.
25. Sometime in November 2012, Marialsy Guevara negotiated with Luigi Boria and Graciela Boria to vacate the campaign headquarters early so that J & Z Wellness Inc. could take possession of the space in early December 2012.
- ~~26. On November 5, 2012, a five-year lease was executed between Sacred Family Investments and J and Z Wellness Inc. for the unit at 10732 NW 58<sup>th</sup> Street, Miami, FL. The lease would start on November 5, 2012 and end on October 31, 2017. The first-year base price was \$3,700 per-month, or \$30 per-square-foot, plus taxes and fees. J & Z Wellness paid Sacred Family Investments a down-payment and security deposit of \$15,127.34 on November 5, 2012.~~
27. On December 4, 2012, the Boria campaign vacated the headquarters, 14 days prior to the expiration of the original lease. J & Z Wellness took possession of the unit a short time later.
28. On October 15, 2013, Luigi Boria asked Sacred Family Investments for another copy of the lease. A copy was sent by email to Luigi Boria. At 11:31 AM Marialsy Guevara emailed Graciela Boria and Luigi Boria and explained that the revised version she was sending showed G & R Strategies as the tenant and that there was no evidence that the Borias had signed the lease.
29. On October 15, 2013, Marialsy Guevara emailed Nioves Portillo, an employee of Sacred Family Investments, and asked her to modify the second page of the lease, removing Luigi Boria's name and home address and replacing it with G & R Strategies' address and Sasha Tirador's name. The email stressed that this was an

urgent request. Guevara told Portillo to email a copy to Luigi Boria. Portillo sent the modified copy of the lease to Luigi Boria and Guevara.

30. On July 10, 2012, the Luigi Boria campaign electronically filed its Campaign Treasurer's Report covering the period April 1, 2012 to June 30, 2012. The report never stated the fair market rental value of the campaign headquarters for the months of May or June. That report also inaccurately stated the May rental expense as "print outs."
31. On September 21, 2012, the Luigi Boria campaign electronically filed its Campaign Treasurer's Report covering the period July 1, 2012 to September 14, 2012. The report never stated the fair market rental value of the campaign headquarters for the months of July or August. That report also inaccurately stated the June rental expense as "campaign materials." Additionally, the campaign never amended the incorrect information contained in the July 10, 2012 report.
32. On October 5, 2012, the Luigi Boria campaign electronically filed its Campaign Treasurer's Report covering the period September 15, 2012 to September 28, 2012. The report never stated the fair market rental value of the campaign headquarters for the month of September. Additionally, the campaign never amended the incorrect information contained in the previously filed reports.
33. On October 19, 2012, the Luigi Boria campaign electronically filed its Campaign Treasurer's Report covering the period September 29, 2012 to October 12, 2012. The campaign never amended the incorrect information contained in the previously filed reports.
34. On November 2, 2012, the Luigi Boria campaign electronically filed its Campaign Treasurer's Report covering the period October 13, 2012 to November 1, 2012. The report never stated the fair market rental value of the campaign headquarters for the months of October and November. Additionally, the campaign never amended the incorrect information contained in the previously filed reports.
35. On November 23, 2012, the Luigi Boria campaign electronically filed its Campaign Treasurer's Report covering the period November 2, 2012 to November 22, 2012. The report never stated the fair market rental value of the campaign headquarters for the months of October and November. Additionally, the campaign never amended the incorrect information contained in the previously filed reports.
36. On February 25, 2013, the Luigi Boria campaign electronically filed its final Campaign Treasurer's Report covering the period November 23, 2012 to February 25, 2013. The report never stated the fair market rental value of the campaign headquarters for the months of November or December. Additionally, the campaign never amended the incorrect information contained in the previously filed reports.

37. All of Campaign Treasurer's Reports were electronically signed by Luigi Boria as the candidate and Graciela Boria as the treasurer. Both certified the reports were "true, correct and complete."

38. After the campaign ended, on Jan. 17, 2013, Luigi Boria loaned the campaign an additional \$1,700 because it did not have enough contributions on deposit to cover all of the final expenses that appeared in the final Campaign Treasurer's Report covering the period November 23, 2012 to February 25, 2013.

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