



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Sylvia Batista

Case No.: K14-090	Case Name: Jose Diaz, Sweetwater (Tirador)	Date Open:	CASE CLOSED Date: <u>9/25/14</u>
Complainant(s):	Subject(s): Mayor Jose Diaz, City of Sweetwater	4/23/14	

Allegation(s):

On 4/23/14 the COE received information from an anonymous source that City of Sweetwater Mayor Jose Diaz (Diaz) had convened a meeting of all Sweetwater Parks employees to introduce his campaign manager, Sasha Tirador (Tirador). Diaz, who was appointed last year to the Mayor's seat, is running to retain the position at the next City election scheduled for May of 2015.

The source also alleged that Sweetwater Police Lieutenant Marcos Villanueva (Villanueva) took Tirador on a tour of the City parks along with Diaz. Lastly, source alleged that a meeting was scheduled for the next day by the Diaz with Tirador and employees of another department.

Relevant Law:

Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1(g) "*Prohibition on exploitation of official position.* No person included in the terms defined in subsection (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..."

Investigation:

Document/Audio/Video Review:

6/24/14 – Review of the following documents produced by City of Sweetwater Clerk, Marie Schmidt, in response to the COE’s public records request.

- **6/17/14** - E-mail from Diaz to City Attorney Ralph Ventura (Ventura) providing answers to multiple questions in connection with Villanueva and Tirador:
Pursuant to e-mailed answers provided by Diaz, Villanueva’s position in the Mayor’s Office is Acting Chief of Staff; Diaz appointed Villanueva to this post effective 6/16/14. Villanueva is still on the payroll of the Sweetwater Police Department. Villanueva has authority over civilian employees. There is a memo or a written directive instructing advising City staff of Villanueva’s new duties and authority. Tirador’s position in the Mayor’s office is Governmental Affairs Consultant. This is not a formal appointment. Tirador is a volunteer at the Mayor’s office. Tirador has not been issued a City e-mail address and has no authority over City employees. There is a volunteer application on file regarding Tirador. Tirador is not a paid consultant to the Mayor’s campaign. There are no written directives instructing Tirador of her duties and authority, or advising others of Tirador’s duties and authority. Tirador has not received any money from the Mayor’s campaign or for the benefit of Diaz’s campaign.
- **6/17/14** – E-mail from Diaz to Carolina Mayorga advising that Villanueva has been detached to the Mayor’s office as Acting Chief of Staff as of 6/16/14, and has received a salary increase to \$85,000.
- **6/18/14** - Diaz submitted an e-mail to Ventura explaining that Tirador has received funds from his campaign account for printing services, at no cost to the City.
- **4/30/14** – Tirador’s form to volunteer at the Mayor’s office as a Governmental Affairs Consultant for approximately 18 hours per week.
- Undated Release of Liability for Volunteers and Interns signed by Tirador.

Diaz’s campaign documentation and treasurer reports:

- Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates appointing himself as Treasurer of the campaign and designating Chase as the campaign depository filed on 10/10/13;
- Statement of Candidate filed on 10/10/13;
- Campaign Treasurer’s Report Summary filed on 1/10/14 for the period 10/1/13 to 12/31/13 reporting \$1,500 in contributions; no expenditures and no absentee ballot activities;
- Campaign Treasurer’s Report Summary filed on 2/10/14 for the period 1/1/14 to 1/31/14 reporting \$12,370 in contributions; \$12 in expenditures and no absentee ballot activities;
- Campaign Treasurer’s Report Summary filed on 3/10/14 for the period 2/1/14 to 2/28/14 reporting \$2,000 in contributions; \$12 in expenditures and no absentee ballot activities;

- Campaign Treasurer's Report Summary filed on 4/10/14 for the period 3/1/14 to 3/31/14 reporting \$9,860 in contributions; \$512 in expenditures and no absentee ballot activities;
- Campaign Treasurer's Report Summary filed on 5/9/14 for the period 4/1/14 to 4/30/14 reporting \$1,060 in contributions; \$1,061.58 in expenditures and no absentee ballot activities. **All expenditures reported during this period were paid to Tirador's company, G&R Strategies, LLC;**
- Amended Campaign Treasurer Report Summary filed on 6/10/14 for the period 1/1/14 to 1/31/14 reporting \$12,870 in contributions and \$12 in expenditures;
- Amended Campaign Treasurer Report Summary filed on 6/10/14 for the period of 2/1/14 to 2/28/14 reporting \$2,000 in contributions and \$512 in expenditures;
- Amended Campaign Treasurer Report Summary filed on 6/10/14 for the period 3/1/14 to 3/31/14 reporting \$9,860 in contributions and \$512 in expenditures;
- Amended Campaign Treasurer Report Summary filed on 6/10/14 for the period 4/1/14 to 4/30/14 reporting \$1,024 in contributions and \$2,821.73 in expenditures. **All expenditures reported herein were paid to Tirador's company, G&R Strategies, LLC;** and
- Amended Campaign Treasurer Report Summary filed on 6/10/14 for the period 5/1/14 to 5/31/14 reporting \$21,400 in contributions and \$300 in expenditures. **All expenditures reported herein were paid to Tirador's company, G&R Strategies, LLC.**

7/21/14 - Review of Tirador's volunteer and release form -

The City volunteer form was completed and signed by Tirador on 4/30/14. The form is file-stamped received by the Mayor's Office on 5/30/14. The form lists Tirador's personal information, emergency contact, employment and education. Tirador's employment is listed as owner of **G & R Strategies, LLC**, and her work-related skills are governmental affairs consultant, professional services consultant, and political consultant. Tirador volunteered to start working at the City on 05/1/14 between the hours of 8:30 a.m. to 12:00 noon Monday through Friday.

Tirador lists her personal reference as "Lt. Marcos Villanueva." Villanueva was transferred to the Mayor's office as Acting Chief of Staff on 6/16/14. Tirador's volunteer form lists her duties to include, but not limited to:

- Setting up and coordinating community events
- Outreach to residents
- Data entry
- Filing
- Research
- Responding to constituent inquiries
- Special projects

Tirador also signed an undated Release of Liability for Volunteers and Interns form.

Interviews(s):

6/27/14 – Mayor Jose Diaz –

Summary of Diaz' statement:

- He has known Tirador for approximately 10 years, but he only recently got to know her.
- He ran into Tirador at a reunion in a restaurant and thought he should hire her as his political consultant.
- Tirador is presently a volunteer governmental affairs consultant for the City of Sweetwater.
- Tirador has not worked on his campaign. She is a volunteer at the City to help him with his political acumen. He is a teacher, not a politician.
- He created the volunteer form that Tirador filled out and signed when she became a volunteer at the city.
- The city did not have the form prior to Tirador commencing her volunteer work.
- He stressed that he had not yet started campaigning.
- He was shown copies of the Campaign Treasurer Report Summaries which reflect that he has collected over \$20,000
- He has had three fundraisers at: (1) Segafredos in January given by Raul Rodriguez; (2) Los Ranchos in May given by Juan Wong; and (3) most recently at Eurosuites Hotel.
- He prepared all of the Campaign Treasurer Report Summaries himself with help from his wife. Tirador did not help him prepare the forms.
- He incurred campaign expenses when one day he decided it was time to get some campaign material so he ordered bumper stickers for his campaign through Tirador's company, G&R Strategies. He has hundreds of bumper stickers.
- The expenditures were reimbursed to G&R Strategies because Tirador ordered and paid for the printed material through her company.
- Diaz reimbursed G&R Strategies from his campaign account.
- Diaz promoted Villanueva as acting Chief of Staff.
- Villanueva is qualified to be his Chief of Staff. Villanueva has managerial experience from working for Delta Security Co.
- Villanueva ran Delta Security Co. for several years.
- Villanueva was promoted to lieutenant when he was hired by the Sweetwater police.
- Villanueva came directly from Delta Security to Sweetwater.
- Villanueva did not work at another police department that he knows of.
- Tirador is there to help him become a better politician. He may hire her as his political consultant later.

6/27/14 – Lt. Marco Villanueva –

Summary of Villanueva's statement:

- He recommended Tirador to the Mayor as a governmental affairs consultant to help clean up the City.
- Tirador was his political consultant when he ran for the Mayor's office against Marono.
- He ran for Mayor at the same time that Diaz ran for Commissioner. Diaz won his seat but he lost to Maroño by 4 votes.
- He did not take Tirador on a tour of City parks along with the Mayor.
- The way that situation occurred was Diaz and Tirador were standing and talking in the city parking lot when he came outside and they asked him to come along to the parks offices.
- He and Tirador are there to clean up the City of corruption.
- He is sufficiently experienced to be the Mayor's Chief of Staff.
- He gained his management experience while working for Delta Security.
- He worked for Biscayne Park Police Department prior to coming to Sweetwater.
- He was a sergeant when he left Biscayne Park.
- He was promoted to Lieutenant upon being hired by the Sweetwater Police.

7/22/14 – Sasha Tirador, owner of G & R Strategies LLC –

Summary of Tirador's Statement:

- She was asked by Mayor Diaz to help him regarding governmental affairs in the city.
- She volunteered to assist Diaz in connection with governmental affairs at the city.
- She is a volunteer governmental affairs consultant for the city.
- It was Diaz's idea that she work as a volunteer governmental affairs consultant.
- She volunteers at the city approximately 15 to 18 hours weekly.
- Diaz created the volunteer form that she used to become a volunteer. The form was completed during the same month that Respondent paid Tirador's company, G&R, in excess of \$2,800.00 for campaign-related services.
- She was not given her own office at the city, or a city telephone or computer by Diaz in her volunteer capacity as government affairs consultant.
- While at the city, she works in the Mayor's conference room using her cellphone only.
- Her profession is political consultant and governmental affairs consultant.
- She performs her political consulting activities through her business, G & R Strategies LLC (G & R).
- G & R is her primary source of income and the only corporation which she has formed that is presently active. All other corporations that she has filed in the past are inactive.
- Tirador said she is not working as a political consultant for Diaz.
- She has not organized any fundraisers, or worked on any special projects for Diaz' campaign.

- She has not made any phone calls to constituents, or prepared any campaign forms for Diaz.
- She has not advised the Mayor on matters of governance.
- She offered to help Diaz with printing material for his campaign and ordered all of the printed material and the campaign phone for Diaz through G & R.
- As listed on Diaz' Campaign Treasurer's Report Summaries, G & R was reimbursed from Diaz's campaign account.
- Diaz has exclusive use of his campaign phone.
- She may work as political consultant for Diaz in the future. This would depend on whether or not she has other commitments.
- Of the multiple duties listed on her volunteer form, she has only done research.
- She does financial research in an effort to locate \$2.5 million in towing fees. This loss is being looked at by law enforcement authorities.
- Five staff members work in the Mayor's office, including the Acting Chief of Staff, Villanueva. The others are Indira A-Pardillo (A-Pardillo), Jaqueline Lata, Brianis Martin and Alexis Martinez (Martinez). Martinez is the liaison between the Mayor and the human resources department
- She has made a similar arrangement in the past with Mayor Carlos Hernandez of the City of Hialeah when he first became Mayor.

7/23/14 – Ralph Ventura, Esq., City Attorney –

Ventura was contacted regarding the volunteer application form and release form filled out and signed by Tirador upon commencing her volunteer work for the City. Ventura said that he did not prepare the application or release forms used for volunteers. Ventura explained that blank forms were sent to him by the Mayor's assistant, A-Pardillo, by e-mail on 7/21/14. In her e-mail, A-Pardillo asks Ventura to use the new attached form for volunteers and interns interested in working for the City.

Ventura explained that around October of 2012, he and HR Director Joahnnna Rubio worked to formalize the volunteer/intern program by creating the necessary forms, but they did not finalize their effort.

8/25/14 – Tiany Katrina Hernandez –

Tiany Katrina Hernandez (Hernandez) was asked about the volunteer work that she did for the City of Sweetwater. Hernandez said that she volunteered at the City for a short period during the Spring of this year. Her volunteer work entailed doing work in the Senior Center and helping with filing and other office work in another office, but she doesn't remember the name. It was not the Mayor's Office.

8/25/14 – Daniela Florit –

Daniela Florit advised that she has volunteered to work at the City a few times. She started in May of this year. She worked 8 hours in 3 days. Her job was distributing fruit baskets to persons who have applied and qualified to receive them. The fruit baskets are distributed on the last Friday of each month.

8/25/14 – Johanna Medina –

Johanna Medina used to volunteer for the City, but she started class and cannot continue doing it. While at the City she worked for Evelyn Martinez at the Senior Center. Her job was to compile food packages only. The food was donated. She did not distribute the packages. Her job was only to prepare the packages. She did not do any office work while at the City. She did her hours at the Senior Center and finished with her requirement.

8/27/14 - Contact with contributors listed on Diaz's CTRs for June and July –

- **Email Logics, Inc.,** 10750 N.W. 25th Street, Doral, FL - The address listed for this company is a small house which appears to be unoccupied. The house is adjacent to the parking lot of a well-known restaurant/lounge which is presently closed.
- **H&R Paving, Inc.,** 1955 N.W. 110 Ave., Miami, FL - This is a paving business located in an industrial zone of the City. Raul Gonzalez, Jr. (Gonzalez), who is the President of the company, recalled giving the \$1,000 contribution to Diaz. Gonzalez said that Diaz himself asked him for it during a telephone conversation about a proposed zoning change. Gonzalez said that his wife, Lucrecia A. Gonzalez, made an additional contribution to Diaz of \$500.
- **Flagler Shopping Plaza #1, Inc.,** 11400 West Flagler Street, Suite 201, Miami, FL - This is an office inside a small, two story strip mall. The office was closed. The COE investigator left a business card, but did not receive a return call from the owners, Armando and Dora Fonticiella.
- **Flagler Office Building, Inc.,** 8360 W. Flagler Street, Suite 200, Miami, FL - Luis Rios (Rios), the Vice President of the company recalled making the contribution. The contribution was solicited by Juan Chong (Chong), who is an old friend who was holding a fundraiser for Diaz. Rios said that he could not attend the fundraiser, but made the contribution nevertheless. Rios said that he thinks Chong is the owner of Los Ranchos Restaurant. Rios advised that his wife is the President of the company.
- **Preferred Medical Plan, Inc.,** 4950 S.W. 8th Street, Miami, FL – James Card (Card), Sr. Director of Government Relations of the company. Card said that they frequently give campaign contributions so the specifics of this one are vague. Card said that he thinks the contribution was solicited by a state representative, but not necessarily the representative from Sweetwater's district. He does not remember who it was. It was most likely solicited by telephone.

09/04/14 – Felix LaSarte, Zoning and Governmental Affairs Counsel for Masoud Shojaee owner of Doral Luxury Patio Homes, LLC –

Felix LaSarte (LaSarte) was contacted in connection with a campaign contribution given to Diaz by his client, Masoud Shojaee (Shojaee). LaSarte advised that he is the Zoning and

Governmental Affairs Counsel for Shojaee. LaSarte said that he asked Shojaee for the contribution to Diaz. The way that this came about was through a council member or commissioner who asked him to ask Shojaee for the contribution. It was not the Mayor or anyone from Sweetwater who asked him. LaSarte explained that he did not even know who Diaz was when he was asked to make the contribution. Shojaee does not have any projects in Sweetwater. LaSarte said that he is almost sure that it was Hialeah Councilwoman Isis Garcia-Martinez (Garcia-Martinez) who asked him to ask Shojaee for the contribution.¹ Subsequent investigation showed that Mayor Diaz hired Alexis Martinez, the son of Hialeah Councilwoman Garcia-Martinez.

LaSarte said that he does not know why the full name of the contributor is listed as Doral Luxury Patio Furniture when his client's company is Doral Luxury Patio Homes, LLC, and its occupation is real estate, not furniture.

09/17/14 – Commissioner Orlando Lopez –

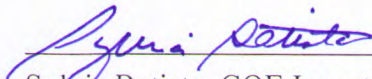
Commissioner Orlando Lopez (Lopez) was contacted by the COE investigator. Lopez is running for office against Mayor Diaz next election (May 2015). Lopez said that he had a conversation last Thursday with Tirador. Tirador told him that she was resigning from the Mayor's campaign and leaving the City. No one has seen her at City Hall since last Tuesday. Lopez said that Tirador did not go into details as to why. Lopez said that Tirador might be his campaign consultant, but he is not yet sure.

Lopez advised that Villanueva is no longer the Mayor's Chief of Staff. The rumor is that Villanueva ignored a public records request e-mailed to him by an attorney. Thirty days passed before Villanueva replied to it and his reply was to tell the attorney that he was not the person in charge of responding to public records requests. Lopez said that the attorney has threatened to sue the City for Villanueva's mishandling of the request. Villanueva is no longer in the Mayor's office. He is now on vacation and when he returns he will continue his employment as a Lieutenant for the Sweetwater Police Department.

Conclusion:

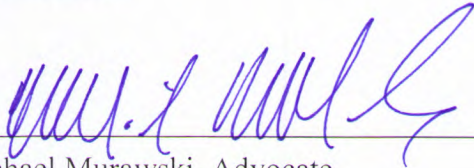
After discussion with the Ethics Commission Advocate, it was determined that Diaz's actions of encamping his *de facto* campaign consultant at City Hall, ostensibly as a "volunteer" could amount to an exploitation of official position. Diaz's attorney was advised that Diaz should terminate Tirador's "volunteer" relationship with the City and that failure to do so could result in an ethics complaint being filed against him. Subsequently, it was determined that Tirador was no longer at the City as a "volunteer" and additionally, Villanueva was no longer Chief of Staff. Wherefore this matter should be closed without further action.

¹ Shojaee is listed as a contributor of \$500 to Councilwoman Garcia-Martinez's during her City of Hialeah 2011 election.

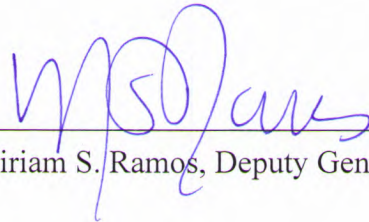


Sylvia Batista, COE Investigator

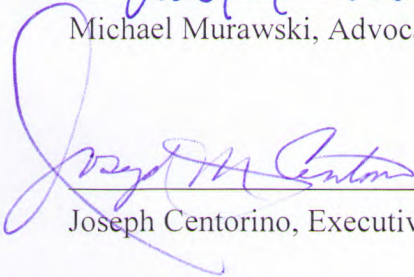
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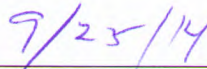
Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director



Date