



**Miami-Dade Commission on Ethics & Public Trust**

Investigative Report

**Investigators:** Manuel W. Diaz

<b>Case No.:</b> PI 14-022	<b>Case Name:</b> Wallace Letter	<b>Date Open:</b> 4/24/14	<b>CASE CLOSED</b>  Date: <del>6/10/14</del>
<b>Complainant(s):</b> Isis Perez M-D State Attorney	<b>Subject(s):</b> Otis Wallace Mayor Florida City, FL		

**Allegation(s):**

Miami-Dade County State Attorney Isis Perez, questioned whether a letter authored by Mayor Otis Wallace (Wallace), the may have violated the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. The letter requests the reader to contribute financially to the Steve Bateman Legal Defense Fund.

**Relevant Ordinances:**

Section 2-11.1(g), Miami-Dade County Conflict of Interest and Code of Ethics Ordinance:  
  
“*Exploitation of official position prohibited.* 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:**

*Interviews*

**Isis Perez**, (Perez) Assistant State Attorney, Miami-Dade County, Eleventh Judicial District of Florida.

Perez was contacted for additional information. She had no additional information other than a copy of the letter written by the Mayor.

Otis Wallace (Wallace), Mayor of Florida City, Florida

Wallace was interviewed via telephone. He advised that former Homestead Mayor Bateman (Bateman) asked him to help in seeking contributions for his legal defense fund.

Wallace wrote the letter on blank stationery and signed the letter, using his title as the Mayor, City of Florida City. He gave the original to Bateman. He does not know how Bateman used the letter.

The letter was prepared in his home, using his private work station. There were no Florida City materials or equipment used in the preparation of the letter.

**Documents reviewed.**

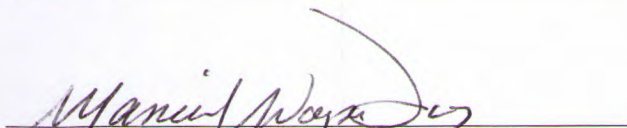
“Dear Friends and Neighbor letter,” signed by Otis Wallace. (Copy in file)

**Conclusions:**

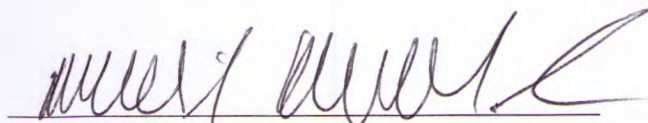
In INQ 12-175, Maria Chiaro, Miami Deputy City Attorney, was advised that City Commissioners who wished to endorse candidates for office could use their official titles, but they could not use any city resources to do so. Similarly, in INQ 10-133, Edward Muhina, Mayor of West Miami, was advised that he could endorse a candidate for state office and could use his official title on his private stationery, but he could not use official city letterhead.

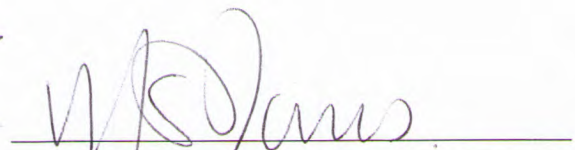
We have never specifically addressed the issue of whether or not an elected official could use their official title (but not city resources) to help raise funds for a legal defense fund for another former official facing a criminal prosecution. It would have behooved Mayor Wallace to have requested an Ethics Opinion before using his title for this purpose.

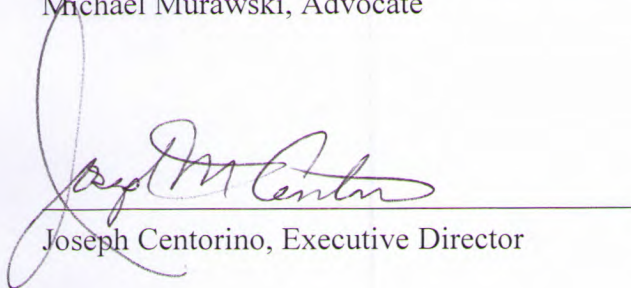
An ethics violation may have existed if Mayor Wallace used any city resources (including letterhead) to assist former Homestead Mayor Bateman in raising money for his legal defense fund, however, there is no evidence to show happened in this case. As to the use of Mayor Wallace's title, the above mentioned INQ's concluded that a government official/employee's title belongs to him/her for use in the political arena. Whether this should extend to the raising of funds for a criminal defense funds remains unclear. Mayor Wallace is advised to use his title cautiously, when it is being used outside of his official capacity, and to request and opinion from the COE when he intends on doing so again.

  
Manuel W. Diaz, COE Investigator

Approved by:

  
Michael Murawski, Advocate

  
Miriam S. Ramos, Deputy General Counsel

  
Joseph Centorino, Executive Director

6/10/17  
Date Closed