



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Breno Penichet

Case K15-010	Case Name: Village of El Portal	Date Open: November 3, 2014	CASE CLOSED Date: <u>6/22/2015</u>
Complainant(s): Anonymous	Subject(s): Claudia Cubillos & Unknown Police officers		

Allegation(s):

The COE received an anonymous complaint advising that Village of El Portal Commissioner (now Mayor) Claudia Cubillos, was using on-duty, El Portal Police officers to distribute campaign literature.

Relevant Ordinances:

Exploitation of official position, Sec. 2-11.1(g), Miami-Dade Conflict of Interest and Code of Ethics Ordinance:

Investigation:

COE Investigators reviewed the information provided, according to the anonymous caller, Village of El Portal Councilperson Claudia Cubillos (Cubillos), who subsequently won the mayoral election, was using on-duty Police officers to distribute her campaign literature. The complainant provided copies of "Flyers", along with a web site, that she claimed showed evidence of misconduct by Cubillos.

A review of the flyers revealed that most had the name of the Councilperson Cubillos on them, but they also appeared to involve Village-related activities. The web page was a Village web page announcing different types of activities throughout the upcoming months.

Interviews:

Mr. Jason Walker
Village Manager
Village of El Portal

Mr. Jason Walker (Walker) voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegation, Walker advised that he was aware that on-duty Police officers were involved in distributing Village-related flyers. Walker advised many of the events were sponsored by Cubillos or other members of the Village Council. Walker further advised no one uses the officers for any other purpose than for Village business. Walker advised that because of the small size of the Village, it is always advantageous to use the Police as part of the community outreach and team policing. Walker advised there has always been a very good relation within the Village personnel, administration and the community, because of this type of interaction.

Claudia Cubillos
Village Mayor
Village of El Portal

Cubillos voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegations, Cubillos advised that she was aware that on-duty Police officers were involved in distributing Village-related flyers. Cubillos further advised that because she was campaigning she decided not use any Police officers to distribute any type of flyers, in order to avoid any appearance of impropriety.

Cubillos did advise that on other occasions she has used members of the Police Department to distribute Village-related literature, but in those instances the Chief of police was fully aware of the officers' action, and Cubillos was not running for office.

Document/Audio/Video Review:

1. Six (6) Flyers announcing upcoming events sponsored by the Village of El Portal
2. Several Pictures showing Village Police vehicles parked in front of Councilperson Cubillos' home.
3. Several sign-up sheets for the Village of El Portal 6th Annual Armed Forces Day.

Conclusion(s):

No evidence was found to substantiate that Cubillos engaged in any "unlawful use of the Police" or arranged to have them distribute any type of campaign related literature. There is also no evidence that Cubillos exploited her official position to obtain any type of benefit or compensation.

After discussion with COE Advocate Michael Murawski, he advised that no further action would be taken. Accordingly, it is recommended that the above case be closed.

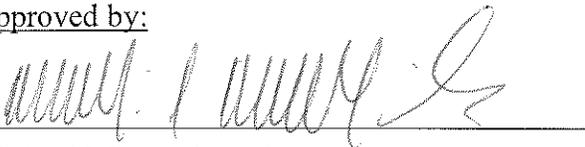
Case Closed

(Signature)

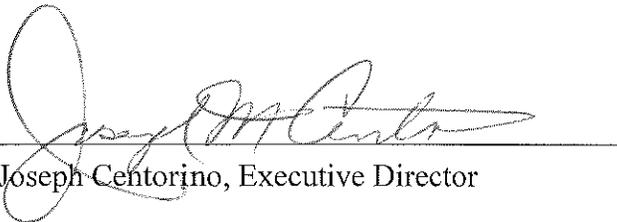


Breno Penichet, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

6/22/15

Date Closed