



Miami-Dade Commission on Ethics & Public Trust
Investigative Report

Investigator: Larry Lebowitz

Case: K15-029	Case Name: Miami Springs	Date Open: 04/10/2015	CASE CLOSED
<u>Complainant(s):</u> Nestor Suarez	<u>Subject(s):</u> Ronald Gorland, William Alonso, Xavier Garcia		

Date: 1/5/2016

Allegation(s):

City resources improperly used in attempt to influence outcome of citywide election where the entire Council -- mayor and four commissioners -- were all running for re-election. The government-sponsored ad campaign was produced two weeks before an election in response to a direct-mail flyer produced by an organization backing a challenger to the incumbent mayor.

Applicable Law:

Potential violations of state elections laws under Chapters 104 and 106, as well as exploitation of official position prohibitions under Miami-Dade County Ethics and Conflict of Interest ordinance, Sec. 2-11.1 (g).

Investigation:

Interviews

Nestor Suarez, complainant, 550 Wren Ave., Miami Springs. See Suarez's original email questioning the propriety of the municipal government producing such a flyer, and appearing to take sides with the five incumbents running in a municipal election. Suarez said he was not aligned with any specific candidate or slate of candidates, but wanted to know if it was proper for city officials to produce a flyer that could have an impact on an upcoming election.

Interviews:

**Ronald Gorland, City Manager, and
William Alonso, Assistant City Manager and Finance Director**

GORLAND and ALONSO were jointly interviewed in GORLAND's City Hall office. Both answered a

handful of follow-up questions by phone after the city produced public records. GORLAND and ALONSO confirmed that the flyer at the center of this investigation was created by public employees and paid for with more than \$7,000 in city funds. Several staffers spent hours compiling, laying out and fact-checking the materials; one employee communicated repeatedly with a local printer, and later took the printed materials to the US Postal Service for bulk mailing to every residential and commercial address in the city. Additionally, extra copies of the flyer were left in the lobby of City Hall and other public places with heavy foot-traffic; copies were also placed on the city's official website and on the official police department website; the city also paid to place two half-page ads in consecutive issues of the local newspaper, the *River Cities Gazette*.

(Please see the emails, invoices, receipts, cancelled checks and other documents for more details).

GORLAND and ALONSO said the flyer was created in response to what they described as an inflammatory flyer paid for by an Electioneering Communications Organization (ECO) called A Brighter Miami Springs. The flyer was mailed to Miami Springs homeowners in mid-March, three weeks before the April 7th election. GORLAND said the ECO was supporting the campaign of mayoral challenger Fernando "Fred" Suco, a local tavern owner and former 26-year employee of the Miami-Dade Police Department.

Gorland and Alonso said the ECO flyer had taken extreme liberties with statistical anomalies, painting a false picture of a small city with a major violent crime problem ("ARE YOU SAFER IN MIAMI SPRINGS TODAY?" "Armed Robberies in Miami Springs were up 1500% from 2013-2014"; "Burglaries in 2014 were up 186% when compared to 2010"; "In 2013, Miami Springs had the Highest incidence of Rape since 2000.'). GORLAND said the opposite was actually true – violent crime was down and had not been a problem in the city for years. This investigation did not focus on, nor attempted to fact-check, the accuracy of the ECO flyer.

The flip side of the ECO flyer specifically attacked incumbent Mayor Xavier Garcia (hereinafter "GARCIA") for doing "little if anything" in obtaining funds to "properly equip our Police Department." [A copy of the flyer paid for by A Brighter Miami Springs ECO and also sent to the home of the original complainant, SUAREZ, is included in the file]

GORLAND repeatedly said he made the decision to spend city funds to aggressively combat what he called the disinformation in the ECO flyer. GORLAND delegated some of the work to ALONSO, newly appointed Police Chief Armando Guzman, and others on his administrative and public-information staff.

In response to another set of questions, GORLAND specifically said he received no direction, suggestion or orders from the mayor or any of the council members. The decision, he said, was his and his alone. GORLAND, however, was clearly aware that his supervisors -- the mayor and all four incumbents -- were running for re-election at the time.

Interviews:

Carole Foster, grant writer/Public Information Specialist. Played a large role in assembling the flyer materials for print and online publication, and negotiating for space in the *River City Gazette* weekly newspaper, where it ran as a half-page ad in the two editions published just prior to the April 7 election. She was not involved in the administrative decision to create and distribute the flyers or ads.

Interviews:

Tammy Romero, Professional Services Director. Played a role in assembling the flyer materials for print and online publication, and preparing for the direct-mail distribution to every residential and business address, but wasn't involved in the decision to create and distribute it.

Interviews:

Erika Gonzalez-Santamaria, City Clerk; brief interview, in person on election day at polling place, to ask about basic town election practices. Could not add much of substance to the administrative decision to print and distribute the flyer, but played a role in securing materials that were used in the flyer – specifically a 2013 quote about crime statistics that was attributed to former Police Chief Peter Baan, who retired in 2014 after 40 years with the department.

Document/Audio/Video Review

Email from original complainant SUAREZ

Document/Audio/Video Review

Copy of flyer produced by A Brighter Miami Springs ECO, provided by complainant SUAREZ

Document/Audio/Video Review:

Copy of city's response flyer, original black and white copy provided by complainant SUAREZ, plus additional color copies obtained by this investigator from the City Hall lobby. Additional copies were also observed at the entrance to the municipal golf course.

Document/Audio/Video Review:

Copy of city emails documenting how much work was performed in mid-March – starting when the ECO flyer started arriving in mailboxes -- to produce and distribute the publicly-funded flyer.

On the morning of March 12, Alonso sends an email to Police Chief GUZMAN, Public information officer FOSTER and Professional Services Director ROMERO, stating: "... we need to develop a mailer that will go to all homes and also in the gazette, showing the reality of the situation in the City. We need to calm resident fears and show them that we are safer now than in prior years, let's meet ASDAP (sic) to discuss this since timing is critical...."

By 5 PM that day, a draft of the flyer content was complete. Alonso, in another email to GUZMAN, FOSTER and ROMERO, states: "Headline should be "MIAMI SPRINGS IS A SAFE COMMUNITY TO LIVE, WORK AND PLAY IN THANKS TO THE HARD WORKING MEN AND WOMEN OF OUR POLICE DEPARTMENT." At the end of the same email, Alonso states: "This is a starting

point, Carol (FOSTER) will develop a draft flier so we can discuss with Ron (Gorland).”
The documents indicate numerous attempts to develop relevant facts prior to March 18. City staffers also sought three quotes for the printing costs and selected the lowest bidder.

The documents include emails between public information specialist Foster and the ad salesman at the *River Cities Gazette* newspaper, between Foster and a staffer at the printing company; between several city staffers who were trying to find a quote from former Police Chief Peter Baan from a 2013 article to use on the response flyer;

The city spent just shy of \$2,895.86

--\$1,270.86 for the direct-mail postage and delivery;

-- \$ 925.00 to print 10,000 copies of the 8 ½ x 11 glossy color postcards, and,

-- \$ 700.00 to run two half-page ads in consecutive editions of the *River City Gazette*.

Conclusion(s):

The city spent nearly \$2,900 in taxpayer funds, plus the hourly wages of several municipal employees who were involved in researching, producing and distributing 10,000 copies of the flyer.

Approximately 7,500 copies were mailed directly to every residential and commercial address in the city two weeks prior to a municipal election. Extra copies were placed in prominent places at City Hall and other municipal facilities and sites with high-volume foot traffic. The city also placed two half-page ads in a local newspaper with high market penetration in the city, and posted copies of the flyer on two municipally owned and controlled websites.

There is no direct evidence that City Manager GORLAND or Assistant City Manager ALONSO were ordered to produce the flyer to bolster the re-election efforts of their five bosses on the City Council. Nor is there any evidence that any City Council members suggested, directed or ordered the administration to create the response ad campaign. But as ALONSO noted in an email to several city staffers involved in producing the flyer, “timing was critical.” Both men said they were attempting to combat the litany of misinformation that was being distributed by the A Brighter Miami Springs ECO to protect the reputation of the police department and the city as a safe place to live and work. Significantly, the flyer does not advocate on behalf of or against any candidate, it merely buoys the hard work of the police department.

Unlike most municipalities, which stagger the terms of the respective council member’s seats, Miami Springs currently elects all five council members at the same time for the same exact term. So it’s not unreasonable to question why the local government would spend significant taxpayer funds and staff times to create an ad campaign during the waning days of a hard-fought municipal election. Complainant SUAREZ – who said he was not aligned with any particular candidate or slate – simply wanted to know why his tax dollars were being spent in this manner.

A key mitigating point, which will make it harder to effectively secure a probable cause finding of exploitation by GORLAND or ALONSO,: Only three of the five incumbents – Mayor GARCIA and councilmen Billy Bain and Jaime Petralanda -- were re-elected. Two incumbent councilmen, Michael Windrem and George Lob, were defeated in the April 7 election.

This investigator recommends that this case be closed, but the COE Executive Director or Advocate send the City Manager and his assistant a strongly worded “recommendation” advising that they

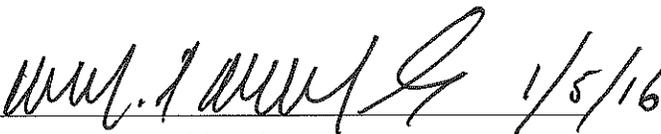
should avoid participating in this type of ad campaign during future campaign seasons. Even if their motives were well-intended, it raises legitimate public-perception questions about their impartiality and the use of public funds to further an election.

(Signature)

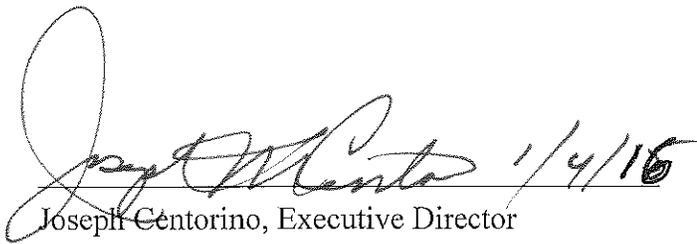


L. Lebowitz, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director