



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator:

Case PI15-006	Case Name: D'Amico v. Siegel	CASE Date Open: February 27, 2015 Date Closed:
Complainant(s): Teri D'Amico	Subject(s): Marlene Siegel	CLOSED Date: 8/31/2015

Allegation(s):

Complainant Teri D'Amico (D'Amico) is an interior designer and long-time architectural preservation activist. She is in the middle of a protracted battle over the fate of the Bay Harbor Continental co-op (BHC), located on the East island of Bay Harbor Islands (the Town), between preservationists and the Miami-Dade County Historic Preservation Board on the one hand and the BHC's owner, the developer of a proposed structure to replace the BHC, and Town of Bay Harbor Islands on the other.

D'Amico has alleged that certain town officials and allies have undertaken a campaign to publicly discredit her, and filed a series of public record requests with the town in and around February 2015. D'Amico eventually complained to this office that her requests were going unanswered even after a reasonable period of time.

The custodian of the records in question is Bay Harbor Islands Town Clerk Marilyn M. Siegel.

Relevant Ordinances:

D'Amico alleges Siegel and the Town are in violation of Florida Statute 119.07 (1)(a): *Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.*

D'Amico also alleges a violation of the Miami-Dade County Citizens Bill of Rights, paragraph (3): Public Records. *All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public.*

Investigation:

Interviews

Interviews regarding this case were all conducted by e-mail, documented below.

Document/Audio/Video Review:

- A copy of e-mails and letters D'Amico had received from the Town prior to her complaint to this office, attached to her original letter of complaint.
- A copy of e-mail exchanged between the investigator and D'amico.
- A copy of e-mails exchanged between the investigator and Siegel, including a copy of the annual Town TDR report sought by D'Amico.

(Description of item reviewed including date)
Summary of findings

Analysis

Complainant D'Amico contacted this office by e-mail February 26, 2015, seeking release of certain Town of Bay Harbor Islands documents to buttress her claim that Town officials had mounted an inappropriate campaign to publicly discredit her regarding her efforts to have portions of Bay Harbor Islands or specific buildings in the Town declared worthy of historic preservation designation.

The letter indicated that as of that point, eight (8) days had passed without a response from the Town.

The following day, February 27, 2015, COE Advocate Michael Murawski (Murawski) replied to D'Amico with a letter saying he felt her complaint was premature and that an unreasonable amount of time had not yet passed for the Town to respond to the request.

The investigator followed up with an e-mail to D'Amico on August 25, 2015, asking if her public records requests had been fulfilled. D'Amico responded with an e-mail that they had, with the exception of a document called the Bay Harbor Islands Density Monitoring System /Transfer of Developmental Rights (DMR/TDR) Annual Report for 2014.

The investigator communicated by e-mail with Town Clerk Siegel on August 26, 2015 about the report. Siegel stated that the final report was in the process of being completed ("It's always late," she stated. Siegel acknowledged that a draft of the final report had been available in June, but that she had neglected to provide that to D'Amico. The report is prepared by the consulting Town Planner, Michael Miller (Miller).

Siegel communicated by e-mail on August 27, 2015, stating that the final 2014 report had been received from Miller and forwarded to D'Amico.

Later in the day, D'Amico acknowledged receipt of the report.

It appears to the investigator that there was no report to send to D'Amico at the time of her initial February request to the Town, and that the Density/TDR report was most likely the subject of a later request. Siegel acknowledges the oversight of not forwarding a draft of the report to D'Amico when it had become available in June.

Conclusion(s):

After discussion with COE Advocate Michael Murawski, it was determined that no further action was necessary and the case should be closed.

(Signature)

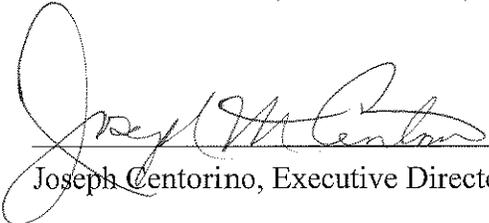


Robert Steinback, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

8/31/15
Date