



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

**Preliminary Inquiry Report**

**Investigator:** Breno Penichet

<b>Case</b> PI15-022	<b>Case Name:</b> Village of Key Biscayne	<b>Date Open:</b> July 10, 2015
<b>Complainant(s):</b> Alejandro Zizold	<b>Subject(s):</b> Franklin H. Caplan and other unspecified members of the Village Council	<b>CASE CLOSED</b> Date: 1/19/16

**Allegation(s):**

The COE received information from a resident of the Village of Key Biscayne that alleges Key Biscayne Village Council may have provided false and misleading information regarding a proposal to build a dog park. The resident also questioned the way items are added to and removed from the meeting agenda in order to benefit certain council members which may be a violation of the City Charter.

**Relevant Ordinances:**

**Citizen's Bill of Rights**

**5. Right to be heard.** So far as the orderly conduct of public business permits, any interested person has the right to appear before the commission or any municipal council or any county or municipal agency, board, or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the Governmental entity involved. Matters shall be scheduled for the convenience of the public, and the agenda shall be divided into approximate time periods so that the public

May know approximately when a matter will be heard. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits for the presentation Of a matter.

**Investigation:**

COE advocate Michael Murawski (Murawski), was contacted by Miami-Dade County Employee (MDC) Alejandro Zizold (Zizold) concerning the possible violation of Citizen's Bill of Rights.

COE Investigator was requested to assist Zizold reference this matter, Investigator Penichet contacted and made arrangements to meet with Zizold at his office.

It appeared from the information that an ordinance was proposed by the council to build a dog park for the residents of Key Biscayne, there was a committee formed of persons in the town that were involved in the pet or dog grooming business.

COE Investigator Penichet made a public records request concerning the dog park project. While reviewing the information provided by the Village, in one of the forms titled 'Dog Park Committee' it was noted that Councilmember Ed London (London) and Ms. Claire Amerena London (appointed 1/8/2013) appeared to be related. COE investigator Penichet will interview Councilmember London to determine how he was appointed to the committee.

COE Investigator Penichet reviewed the video of the Council Meeting held on June 9, 2015. In the meeting it was noted that the Vice Mayor who was running the meeting due to the fact that the Mayor was absent, did allow for public hearing (discussions) after each items preceding the item dealing with the Dog park issue. The Vice Mayor did explain that he would allow a public discussion at the end because this item was only to allow the Village manager to contact an already determined company to provide construction services for the park. There was discussion allowed in the end.

**Interviews**

Alejandro Zizold  
Principal Planner  
Miami-Dade County

Mr. Alejandro Zizold (Zizold) voluntarily agreed to meet with COE investigators and provide information regarding this investigation. Zizold advised that he lives in the Village of Key Biscayne and he along with his wife are active in what goes on in the local Government.

Zizold advised that recently the Village Council decided to build a Dog park that would be open to

the public; in the process they formed a ‘Dog Park Committee’ to advise the council. Zizold advised that several members of the committee are in the dog grooming business or other related pet businesses and some are even related to members of the council. Zizold fears these persons will influence the process and then will be able to use the park to advertise and help their businesses. Zizold is also very concerned that the Village is planning to use artificial grass instead of real grass and that could post a health problem.

Zizold advised that he has brought this concern to the council but has been ignored and now whenever the Dog park item appears on the agenda there is no discussion allowed on the item till the end. Zizold advised this only happens with this particular agenda item, because the councilmembers know he (Zizold) along with his wife and others are very vocal against the way the park is being planned and pushed though. Zizold provided an example of the June 9<sup>th</sup> 2015 Council meeting in which the item was brought up but not discussed till the end. COE Investigator Penichet will review the meeting to determine what occurred and why.

Councilmember Ed London  
Village of Key Biscayne

Mr. Ed London (London) voluntarily agreed to be interviewed telephonically and provide information concerning this investigation. London advised that he is related to Ms. Claire Amerena London, who is his wife. London advised that she was appointed to the Dog park committee in 2013, and he (London) was appointed as a non-voting member in late 2014, by then Mayor Franklin H. Caplan.

**Document/Audio/Video Review:**

1. Minutes of regular Council Meeting of the Village of Key Biscayne. Dated 6/9/2015.
2. List showing the names of the members of the Dog Park Committee, Dated 1/8/2013
3. CEO 09-15, dated 7/29/2009 Memo filed by City of Ft. Lauderdale City Attorney concerning City Commission Member’s Relative serving in uncompensated position on Advisory Boards.

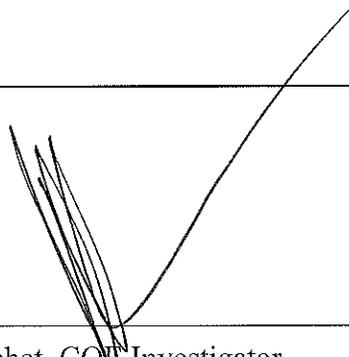
**Conclusion(s):**

As a result of interviews by COE investigators, information obtained via Public Records, review of Council meeting videos, and documents obtained during the investigation there does not appear to be any violations related to the Conflict of Interest and Code of Ethics Ordinance. Accordingly, it is recommended that no further action would be taken.

Advocate Michael Murawski advised that no further action would be taken. Accordingly, it is recommended that this case be closed.

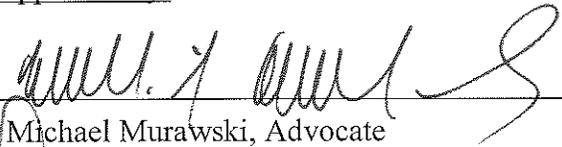
Case Closed.

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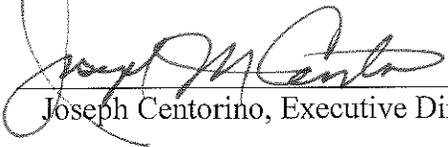


Breno Penichet, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

1/19/16

Date Closed