



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

**Investigative Report**

Investigator: Robert Steinback

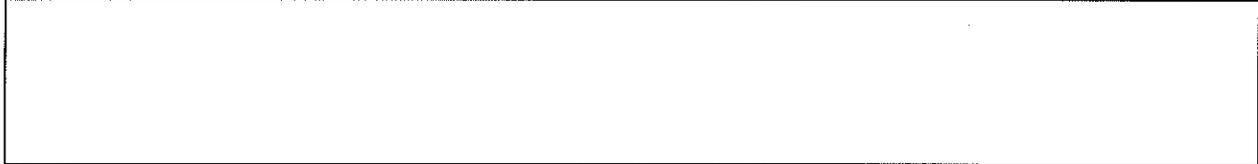
Case PI15-058	Case Name: Silva II	<b>CASE</b> Date Open: December 30, 2015 Date Closed:
Complainant(s): Anonymous	Subject(s): Edward Silva	<b>CLOSED</b> Date: 7/21/2016

**Allegation(s):**

Complainant alleged that the respondent, Edward Silva (Silva), who is Village Manager of the Village of Palmetto Bay (Palmetto Bay), had an employee of the private firm Silva runs, ESA Architectural Planning and Design (ESA), concurrently working at Village Hall, purportedly to allow Silva to “check up on his work as he would otherwise at his private architectural firm.”

**Relevant Ordinances:**

Complainant alleges a violation of Section 2-11.1 (g) of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance: “Exploitation of official position prohibited: *No person [covered by this section] shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions ...*”



**Investigation:**

**Interviews**

**Edward Silva**, interview by telephone, January 8, 2016.

Silva said that Gregory Martinez (Martinez) did work for him at ESA Architectural Planning and Design on a part-time basis, but that he was let go during Silva’s effort to wind down the company. Silva said he created a city position of architectural renderer because he believed it would save the city “thousands of dollars” by no longer having to contract such work out. He chose Martinez as the first individual to hold the position.

“I let him go [from ESA]. We were looking for someone to hire [to the new city position] part time.”

Silva said the value of adding the position became clear as the staff was going through the budget process. He gave the example of traffic-calming projects. Silva said that for each project, the city had to hire someone to do the preliminary renderings. He concluded that adding an in-house part-time staffer was more cost-effective.

Silva said at least twice that he would want to know right away if he violated any rules by hiring Martinez.

Silva said ESA has never done contract work for the city. He noted a past issue that arose because he was doing architectural work for a city landowner. To avoid even the potential for a conflict, Silva said he stopped doing work for the landowner.

“I don’t want to put a cloud over this village,” noting that he lives in the town.

Silva said ESA is down to three remaining employees, and figures to release them soon, as a result of his gradual termination of the company. Silva said he had no intention of hiring any of the remaining three employees into the city staff.

END SILVA INTERVIEW

**Stephen Ellis** (Ellis), interview by telephone Thursday May 5, 2016. According to Village records, Ellis was the only candidate other than Martinez to apply and be interviewed for the part-time job of architectural renderer position in Palmetto Bay.

Ellis said he saw the posting for the job on the Miami-Dade County website. Ellis said that someone in the community who knew he was looking for work referred him to the posting. He came in to fill out an application and provided personal information. Ellis said “a few weeks later,” he was called in for an interview.

Ellis said he interviewed with Aurelio Ramos. Ellis said Ramos gave him a bit of backstory on the position, saying the city was going to do some sort of project, and was looking to do some of the architectural preparation in-house.

Ellis said Ramos “seemed to like his work.” Ellis seemed to recall that it took “a little less than a month” before he learned that he did not get the job.

Ellis said he “didn’t pick up any overt red flags” regarding the interview process that might have suggested to him that the process was unfair or the outcome predetermined. “When I left the interview, I felt I was in the running to get it. [The job required that he] only needed to produce images, not the building itself,” which was in line with his experience and skills set.

Ellis believes he didn’t get the job because he thinks it was probably evident to those with whom he spoke that he wanted a full time position, even though the advertised job was part time.

Ellis ultimately found work in San Francisco, where he now resides.

END ELLIS INTERVIEW

**Gregory Martinez**, telephone interview Tuesday May 10, 2016. Martinez now holds the position created by Ed Silva, his former boss as ESA. He is 29 years old as of the interview date.

Martinez said that he began working at ESA around August 2014 “not long after finishing school.” He said he was full-time there. He left in July 2015. Martinez said he left because “work had started to slow down a bit.” Martinez said he started looking for other work. “I saw the slowdown [in work].”

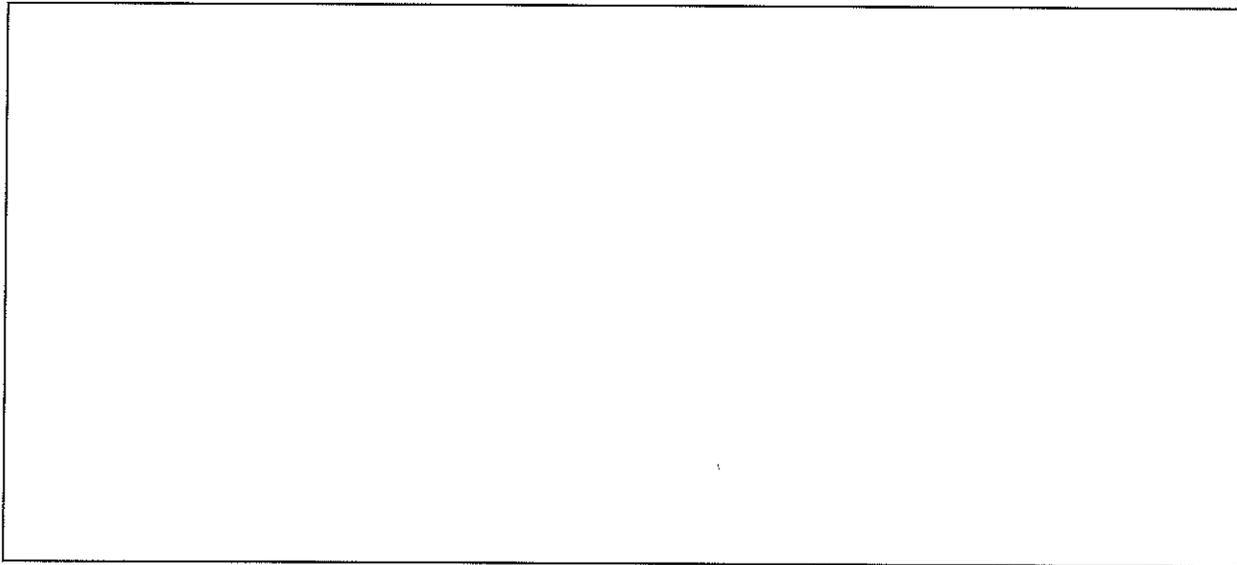
Martinez said that Silva had told him business would be slowing down. Martinez said he was not laid off or fired, but left voluntarily. He said he was out of work for “about a month.”

Martinez said he had been considering looking at government work for some time, but was “looking for anything” during his search. He said that he did go in to visit Silva a couple of times during the search, and on one of those visits learned about the opening. Martinez went to the city’s website and found the listing there. It was for part-time work, but Martinez considered that better than nothing. Martinez noted that the City Commission recently approved his position to convert to full time.

When asked, Martinez said explicitly that he did not know that a position might open up with Palmetto Bay when he left ESA. He reiterated that this is why he was “looking everywhere.”

Martinez said he was interviewed one time by Aurelio Ramos, and that it was about three weeks later when he learned he had gotten the job.

END MARTINEZ INTERVIEW



**Document/Audio/Video Review:**

From Miami-Dade County Office of the Inspector General (OIG):

- Complaint referral of OIG Case CR1333-1415-M. OIG declines to take action.
- Complaint referral of OIG Case CR1202-1415-M. OIG declines to take action.
- Complaint referral of OIG Case CR1191-1415-M, with attachment: Anonymous letter, received by OIG on April 10, 2015, alleging that Silva's involvement with his company ESA created a conflict of interest, and that Silva's personal relationships give the appearance of impropriety.

Primary documents:

- Anonymous letter received by COE on August 12, 2015, alleging that Silva had hired one of his employees from Silva's private company, ESA, to work concurrently at City Hall, ostensibly to liaise between Silva and ESA. Letter also alleges a personal relationship between Silva and another village administrator creates an appearance of impropriety. A copy of the letter was also sent to the OIG, who received it on August 14, 2015.

From the Village of Palmetto Bay:

- Status Change report (new hire) for Gregory Martinez, dated September 9, 2015 (Martinez' date of hire).
- Job application submitted by Gregory Martinez. (Handwritten on application: "referring employee: Edward Silva – Manager" as well as being marked in box asking if a Village employee had referred the applicant.) The date of the application is August 3, 2015. Also included: Martinez' résumé and the Interview Form filled out and signed

by Aurelio Ramos. The interview form is dated August 21, 2015.

- Job application submitted by Stephen Ellis, with Interview Form filled out and signed by Aurelio Ramos. The Interview Form is dated August 21, 2015.
- Copy of Ordinance No. 2015-07, adopting an amended budget, which includes, for the first time, the position of "Architectural Renderer," with the apparently related change being the elimination of a receptionist position. This amended budget medication was approved on second reading August 18, 2015, and passed unanimously by the Council.
- Copy of the Village's Position posting for the Architectural Renderer position, showing the position first posted on Monday, July 27, 2015, and closing August 7, 2015. Copy of the Village's Miami Herald/El Nuevo Herald Classified Ad advertising the Architectural Renderer position and two others, apparent run date from July 27, 2015 through August 24, 2015. Copy of Village's listing of the Architectural Renderer's position on Florida International University's Career Services network. Copy of the internal Village posting for the Architectural Renderer's position and three others.

Found Online:

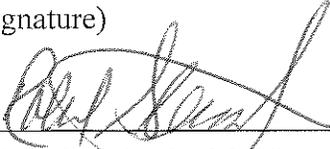
- Portfolio for Stephen Ellis.

(Description of item reviewed including date)  
Summary of findings

**Conclusion(s):**

After consultation with the Ethics Advocate it was determined that there is insufficient evidence to prove an ethics violation and that this matter should be closed with no further action.

(Signature)



Robert Steinback, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director