



Miami-Dade Commission on Ethics & Public Trust
Report of Inquiry

Investigator: Breno Penichet

Case: PI16-09	Case Name: Miami Lakes Town Council	<u>Date Opened:</u> March 21, 2016	CASE CLOSED
Complainant(s): Xiomara Pazos	Subject(s): Joshua Diegues		

Date: 5/12/2016

Allegation(s):

The COE received a letter from Xiomara Pazos complaining that a member of the Town of Miami Lakes Charter Review Commission is also the alleged Campaign Manager for a Council Member and appeared in front of the Council wearing a campaign T-shirt.

Relevant Law:

Exploitation of official position, Sec. 2-11.1(g), Miami-Dade Conflict of Interest and Code of Ethics Ordinance: “No person included in the terms defined in Subsection (b) (1) through (6) and (b) (13) shall use or attempt to use his or her official positive to secure special privileges or exemptions for himself or herself or others...”

Investigation:

COE received a letter from Ms. Xiomara Pazos (Pazos) alleging that Mr. Joshua Dieguez (Dieguez) a member of the Town of Miami Lakes Charter Review Commission (CRC) and alleged Campaign Manager for Council Member Anthony "Tony" Lama (Lama) appeared in front of the council wearing a "Vote for Lama" T-shirt. Moreover, Pazos was upset that Dieguez could be allowed to serve on the CRC if he was working as a campaign manager for a sitting councilman.

A Review of documentation which was provided to the COE by Pazos on 03/13/16 revealed the following:

- Dieguez is a member of the CRC.
The CRC is tasked with recommending changes to the town charter that will affect the outcome of the upcoming Town of Miami Lakes elections in November.
- Ms. Pazos provided a copy of a "Campaign Treasurer's Report" (CTR) dated **1/1/2012 through 3/31/2012**, as proof that Dieguez is working for the Tony Lama campaign.
- Pazos further alleged that on 2/2/2016, Dieguez appeared before the Town Council in his official capacity as a CRC board member, to advocate a change to the Town Charter, while wearing a Vote for Tony Lama campaign T-shirt.
- Pazos also provided a copy of a flyer inviting people to a "Re-Election Campaign Kickoff" dated Friday November 13th that shows Dieguez as the contact person.

COE Investigator Penichet reviewed the video of the February 2nd 2016 Miami Lakes Council Meeting and verified that Dieguez was wearing a Tony Lama campaign T-shirt when he addressed the Council. It was also noted that Dieguez did apologize for wearing the shirt, and offered an explanation, stating that he had just come from the gym and that is the shirt he wears to exercise in.

Mr. Tony Lama

Tony Lama (Lama) voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegation, Lama advised that he is very good friends with Dieguez and was present when he (Dieguez) addressed the Council wearing a campaign T-shirt.

Lama advised that Dieguez apologized for the apparel at the beginning of his presentation while affirming that he (Dieguez), was there simply as a member of the CRC, trying to explain his position. Lama advised that Dieguez is not his Campaign Manager as Pazos claims, and in fact Dieguez is too busy with his law studies to participate in this election cycle.

Lama further stated that one of the recommendations made by the CRC, if voted in by the Town residents, would affect the incumbents, who would be required to obtain over 50% of the votes to be re-elected.

Mr. Joshua Dieguez

Dieguez voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegation, Dieguez advised that he is very good friends with Councilman Tony Lama, in fact, they are neighbors. He was present when Lama had the Campaign Re-election Kickoff Party. Dieguez denied being the Campaign Manager for the Lama Campaign.

Dieguez advised that he apologized for wearing the campaign T-shirt at the beginning of his presentation before the Council and affirmed that he was there simply as a member of the CRC, trying to explain his position. Dieguez advised that he is very busy with his law studies to run any campaign, as Pazos claims.

Dieguez further stated that one of the recommendations made by the CRC, if approved by the Town residents, would affect the incumbents because they would have to obtain over 50% of the votes to be re-elected.

Dieguez advised this complaint is politically motivated because Pazos is one of the persons running against Lama in this election cycle.¹

See attached:

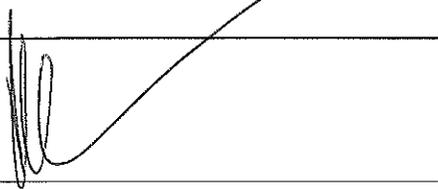
1. Letter dated 2/5/2016, written by Xiomara Pazos to J. Centorino, concerning allegations against Town of Miami Lakes Councilman, Tony Lama and Charter Review Committee member Joshua Dieguez.
2. Copy of Campaign Treasurer's Report-Itemized Expenditures, for candidate Anthony Lama, covered period 01/01/2012 through 03/31/2012, showing a payment on 02/08/2012 of \$300.00 USD to Joshua Dieguez for campaign consultant.
3. Copy of Re-Election Campaign Kickoff flyer for Anthony "Tony" Lama.

¹ Ms. Pazos' name does appear as a candidate for Council running against Mr. Lama according to a list provided by the Town Clerk.

Conclusion:

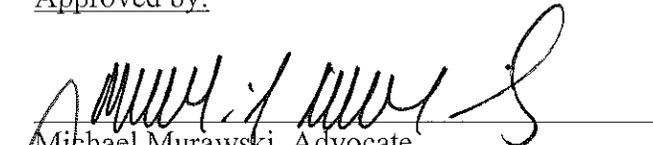
As a result of the interviews and the review of the materials included, it appears that Dieguez did not attempt to exploit his position as a CRC member. Dieguez only spoke briefly to the Council in an attempt to make his position clear that Miami Lakes Government should be Council-Manager form of government, which is the way that he and his fellow Charter Review Committee members feel. Dieguez apologized for his appearance in the Lama campaign shirt when he was addressing the Miami Lakes Council. It should be noted that Pazos' allegations about Dieguez working for Lamas' campaign are unfounded. Dieguez was paid by the Lamas campaign in 2012, but is not currently being paid by the Lamas campaign.

Advocate Michael Murawski advised that no further action would be taken since there does not appear to be sufficient evidence to sustain any ethics-related violations. Accordingly, it is recommended that the above case be closed.

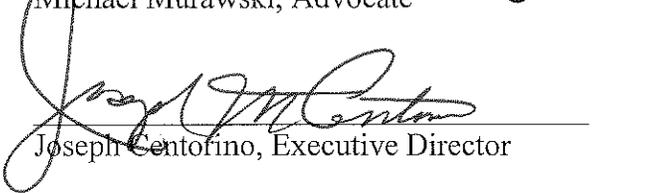


Breno Penichet, COE Investigador

Approved by:



Michael Murawski, Advocate



Joseph Centofino, Executive Director

5/12/16
Date: