



**CASE CLOSED**  
Date 9/2/2016

Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Robert Steinback

|                                      |                                    |   |                     |
|--------------------------------------|------------------------------------|---|---------------------|
| Case PI16-038                        | Case Name: Lama                    | <u>Date Open: Aug. 15,</u><br><u>2016</u> | <u>Date Closed:</u> |
| Complainant(s):<br>Elizabeth Delgado | Subject(s): Antonio<br>"Tony" Lama |   |                     |

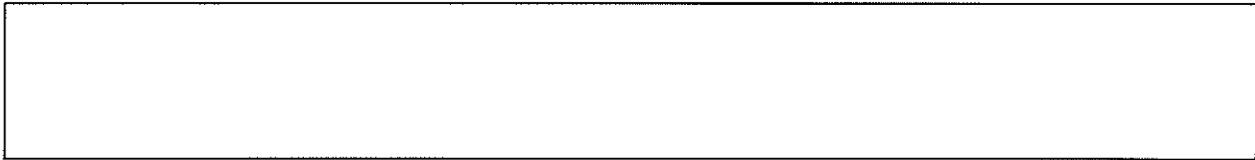
Allegation(s):

Complainant Elizabeth Delgado (Delgado) alleges that respondent Antonio "Tony" Lama (Lama) listed a false address in his qualifying papers for his campaign to win reelection in November to the Miami Lakes Town Council.

Delgado is currently a candidate for the Town's District 3 Council seat, currently held by Lama.

Relevant Ordinances:

Complainant alleges a violation of the Citizen's Bill of Rights (A) (2): Truth in Government. *No County or municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.*



**Investigation:**

*Interviews*

**Gina Inguanzo** (Inguanzo), Miami Lakes Town Clerk, Aug. 16, 2016, by telephone.

Inguanzo stated that candidates for Town Council had to submit qualification papers during a seven-day period ending Aug. 3, 2016. She said Lama submitted his forms on July 28, 2016.

Inguanzo stated that Lama is a sitting councilman opting to run for reelection after his first term. She said the Town Charter requires Council candidates to have lived in the Town for two years, and that Lama has lived in the town at his Silver Oak Drive property for “about 10 years.”

Inguanzo said that Lama sold his house after the qualifying period and moved about “6 to 7 blocks away.” She said Lama reported the change to the Town’s Human Resources Department to enable changes in his direct deposit account.

Inguanzo said Town Council seats are numbered, but that the Town does not have districts, so that any member can live anywhere in the Town.

**Elizabeth Delgado**, complainant, by telephone, Aug. 16, 2016.

Delgado said she filed her complaint because she has been aware that Lama’s house has been for sale, with a “For Sale” sign in front of it, and because his house has been listed for sale online (on the Sotheby’s website). She said an online website listed the date of sale of his house as Aug. 4, 2016. She said Lama filed a campaign report on Aug. 10, 2016, listing his old address. Delgado said she didn’t know precisely on what date Lama moved.

Delgado provided the MLS number of the real estate listing: A10092264.

**Antonio “Tony” Lama**, respondent, by telephone, Aug. 29, 2016.

Lama attempted to reach the investigator prior to the investigator calling him. He said he had been informed by Town Clerk Inguanzo of my inquiries and was offering to provide any required information.

Lama confirmed the timeline (below) compiled by the investigator. He said that he signed the apartment lease before the sale of his home was finalized in part to make sure he didn’t miss the opportunity and also to begin moving some of his possessions there in advance of the full-fledged move. He said he did not want to make a complete move until he was certain that financing for the sale of his home had come through, which he was notified occurred on Aug.

2. The sale of the property was closed Aug. 4.

Asked about the fact that his Campaign Treasurer's Statement, dated Aug. 10, 2016 (which was also due on that date) listed his old address rather than his new one, Lama pointed out that the statement, though dated in August, covers the month ended July 31, so that he felt it was appropriate to list the home address that was operational during July.

*Document/Audio/Video Review:*

- PI16-038 Time line (all documentation provided by Town Clerk Inguanzo per Public Records Request except where noted):

July 18 – Apartment lease contract signed

July 28 – Filed Notice of Candidacy/Candidate Oath/Financial statement listing 6950 Silver Oak Dr. old address... he lists the address under properties owned. Check with qualifying fee dated this date.

July 30 – Service date listed on contract with movers, from old address, 6950 Silver Oak Dr., to new address, 6741 Main Street, #301. (Contract lists both addresses as "Hialeah," but Town Clerk confirms both addresses are in Miami Lakes.)

Aug. 4 – Real estate websites (2) list date old property was sold: [www.realtor.com](http://www.realtor.com) (located by investigators) and Sotheby's International Realty, Sunny Isles Beach, Fla., [www.sunnyislemiamirealestate.com/House\\_Sold-mls-A10092264.htm](http://www.sunnyislemiamirealestate.com/House_Sold-mls-A10092264.htm) (provided by complainant).

Aug. 8 – changed direct deposit information reflecting new address

Aug. 10 – Campaign treasurer's report (submitted by complainant), received this date at 17:46 Eastern, listing his old address. (Copy also provided by complainant Delgado.)

- Copy of opinion from Maria I. Matthews, Director, Division of Elections, Florida Department of State, to Charles Overturf III, Supervisor of Elections, Putnam County, Florida, addressing an inquiry regarding legal residence, dated Jan. 4, 2016 (provided

to undersigned by Martha Perez, COE Staff Attorney).

Relevant passages: *“Florida law requires that in order to register to vote in a particular county, the voter must first be a ‘legal resident’ of that county. [citation] ‘Legal resident’ and ‘legal residence’ are not defined in the Florida Election Code, but the Florida Supreme Court has indicated that the term ‘legal residence’ has two components – both intention and fact. [citation] In other words, to establish legal residence, a person must have a ‘good faith intention’ to reside in a particular place, coupled with ‘positive overt acts’ that demonstrate that intention’... Thus, the determination of legal resident is fact-intensive and turns on the particular circumstances of each individual case.”*

The opinion concludes later that, *“A supervisor [of elections] is not required to resolve factual disputes in the face of evidence supporting legal residence in two different counties.”*

- Copy of unsigned opinion from Division of Elections to Jay A. Smith, Assistant Mayor, Vero Beach, Florida, dated Aug. 21, 1980 (provided to undersigned by Martha Perez, COE Staff Attorney), affirming that residency requirements are proper under law.

Relevant passage: *“The key element of residency is the intent of the individual. Permanent residence is wherever a person intends to make a permanent domicile, which can be factually supported.”*

### **Conclusion(s):**

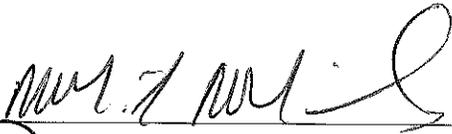
After discussion with the Ethics Commission Advocate it was determined that there is insufficient evidence to conclude that Mr. Lama committed a violation of the Citizens’ Bill of Rights, wherefore, this matter should be closed with no further action.

(Signature)

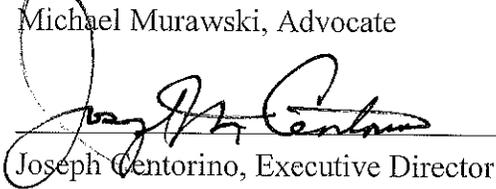


Robert Steinback, COE Investigator

Approved by:



Michael Murawski, Advocate



9/9/16

Joseph Centorino, Executive Director