MIAMI-DADE
COMMISSION ON ETHICS & PUBLIC TRUST

In re: **C 17-19**

Manuel Duasso

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PUBLIC REPORT AND FINAL ORDER

Complainant Octavio Guerrero (Guerrero) filed this complaint against Sweetwater Commissioner Manuel Duasso (Duasso). Guerrero alleged that Duasso should recuse himself from an *upcoming* vote stemming from the case of Lucy Castro v. City of Sweetwater and former Mayor Diaz (the Castro lawsuit); that Duasso had a voting conflict on November 7, 2016, when he voted to amend the University City District Regulations of the Sweetwater Zoning Code because the attorney who represented former Mayor Jose Diaz in the appeal of the denial of his variance before the Sweetwater Commission (a Resolution which Duasso voted to approve) also supported the University City District Regulations amendments; and, that Duasso exploited his position when he solicited a donation on November 7, 2016 for the improvement of the City's Senior Center from the *UniversityCity Project* representative attorneys who were supporting the amendments to the Regulations.

The first allegation in the complaint was filed prematurely and is based on alleged actions which have not occurred. Consequently, it does not identify any violations within the jurisdiction of the Ethics Commission.

Investigation revealed that Duasso did not have a voting conflict when he voted to amend the Regulations which were supported by former Mayor Diaz's attorney. Pursuant to County Ethics Code Section 2-11.1(d), Duasso does not have any prohibited relationship to the attorney or law firm representing former Mayor Jose Diaz in the Castro lawsuit nor did he personally benefit from voting to amend the University City District Regulations which were supported by the former Mayor's attorney.

Furthermore, the investigation revealed that Duasso's request for a donation to the city to improve the city's Senior Center during the proposed amendments to the Regulations, served a public purpose. However, in order to avoid an appearance of impropriety, such requests should be made in the future to the public in general and not to specific city vendors, developers or lobbyists.

On November 9, 2017, the Ethics Commission accepted the Staff's recommendation that the complaint's first allegation was not legally sufficient; and, that there was No Probable Cause to sustain the remaining two allegations in the complaint, thereby dismissing the complaint.