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MIAMI-DADE
COMMISSION ON ETHICS & PUBLIC TRUST

C 19-01-01

In re:

Hossin Habibnejad

PUBLIC REPORT AND FINAL ORDER

Complainant Bernadette Demosthene (Demosthene) filed this complaint against Hossin Habibnejad, (Habibnejad), Construction Manager in the Construction Division of Miami-Dade County Department of Transportation and Public Works (DTPW). Demosthene alleged that Habibnejad has called her numerous times from his County telephone line requesting her rent payment on a unit which she rents from him.

Pursuant to Section 2-1072 (c) of the COE's enabling ordinance, an investigation of the facts materially related to the complaint was also conducted. That investigation determined that Habibnejad, as the owner and landlord of the subject property, was engaged in outside employment since he has three rental units. Investigation showed that Habibnejad did not obtain the required permission for outside employment and had not filed the appropriate annual disclosures pursuant to 2-11.1 (k)(2) of the County Ethics Code entitled, "Outside employment."

Subsequently, Habibnejad provided a copy of his *Source of Income Statement* for the tax year 2018 in which he included the rental property as a source of income. Habibnejad also provided *Outside Employment Statements* for the tax years 2016, 2017 and 2018 in which he reported the amount of money he received from his outside employment and he obtained the required outside employment approval from his Department.

Investigation determined that the evidence was insufficient to establish probable cause that Habibnejad exploited his official position by using the County phone to contact Demosthene. Demosthene was in a contentious landlord/tenant dispute with Habibnejad. Although she provided a screen shot of a County number she claims came from Habibnejad, that number is not a number associated with Habibnejad's County department.

On March 13, 2019 the Ethics Commission agreed with the recommendation of the Advocate that there was No Probable Cause to proceed against Habibnejad regarding the allegation of violating Section 2-11.1 (g) of the Conflict of Interest and Code of Ethics ordinance entitled "Exploitation of official position prohibited." However, the Ethics Commission agreed that there was Probable Cause to believe that Habibnejad violated Section 2-11.1 (k)(2) of the Conflict of Interest and Code of Ethics ordinance entitled "Outside employment."

However, since Habibnejad has come into compliance and filed the appropriate disclosure forms the count charging a violation of Section 2-11.1 (k)(2) of the Ethics Code should be dismissed and a Letter of Instruction should be issued.

Wherefore it is:

ORDERED AND ADJUDGED that COMPLAINT C19-01-01 against Hossin Habibnejad is dismissed and the issuance of a Letter of Instruction is Ordered.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on this 13th day of March 2019.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:



H. Jeffrey Cutler

Chairman

Signed on: 03-19-2019