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# Ethics Commission Finds 'Appearance Of Impropriety' By Judicial Candidate

John Pacenti, Daily Business Review

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Miami Assistant City Attorney and judicial candidate Veronica Diaz tells voters on her website she has served the city with "integrity, diligence and humanity."

But the candidate just missed a bullet when the Miami-Dade Commission on Ethics & Public Trust found she funneled work to an attorney paid by her fiance's firm.

Probable cause was not found to pursue ethics charges against Diaz because she wasn't married to attorney Benjamin Alvarez, a partner at Alvarez, Carbonell, Feltman & DaSilva in Coral Gables. The commission made several recommendations, including establishing a wheel to distribute outside legal work needed by the city attorney's office.

"This is one of those difficult situations where the appearance of impropriety is strong but the fact pattern isn't specifically covered under the anti-nepotism statutes or the Miami-Dade conflict of interest or code of ethics ordinance," commission investigator Lawrence Lebowitz wrote in a closeout report released Thursday.

Alvarez and Diaz have lived together since November 2011, but Lebowitz said the legal definition of "immediate family" has not kept pace with the realities of modern families.

The investigation was sparked by an anonymous complaint, and the investigation opened May 16, 2013.

The commission staff interviewed Diaz and Aldo Bustamante, the real estate manager for the city Department of Public Facilities and Asset Management. Also interviewed was attorney Keri Lynda Horvat, who was hired to work for the city while employed at Alvarez Carbonell.

"I am satisfied with the Miami-Dade Ethics Commission conclusion finding no violation to this inquiry, which was based on a frivolous complaint," Diaz said. She noted the reports shows she fully cooperated with the inquiry.

"This is yet another testament that my integrity as an attorney has never been compromised," Diaz said.

She is running for Miami-Dade circuit judge in Group 70 against Renier Diaz de la Portilla, a former Miami-Dade School Board member and state lawmaker. Diaz initially registered to run against Miami-Dade County Court Judge William Alfield but withdrew.

She has taken a leave of absence to run for office.

If the Ethics Commission found probable cause, Diaz could have faced a reprimand and a small monetary fine.

## Public Trust

"The issue was never whether the legal work was done well or not, it was really a public trust question," said Joseph M. Centorino, a former prosecutor who serves as executive director of the Ethics Commission. "This is an appearance problem."

According to the investigative report, Diaz hired Horvat, a real estate litigator who was a contract employee at Alvarez Carbonnel. She was assigned to help the city acquire a residential parcel tainted by title fraud and foreclosure pressures. She also was hired to obtain an opinion of title for a Watson Island marina site so sewer construction permits and easements could be legally obtained.

The Alvarez law firm was paid \$7,448 for her work. Horvat did all her work for the city at the firm's Coral Gables office.

Horvat and a paralegal were fired from the Alvarez firm in 2013. "It might be purely coincidental, but Horvat received no further work from Diaz or the city," Lebowitz wrote in the report.

Horvat currently works at the Miami law firm of Trujillo, Vargas, Ortiz & Gonzalez. "I think the memo speaks for itself," Horvat said but declined to elaborate.

On June 10, the Ethics Commission sent a memo to the city attorney's office with several recommendations, including informing them a "staff attorney was steering outside legal work to a law firm owned by the staff attorney's live-in boyfriend."

The most significant recommendation was for the city to create a wheel system that evenly distributes outside work to a previously qualified panel of legal providers and to strengthen internal policies so staff attorneys are required to declare potential conflicts of interest to their supervisors.

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