

OFFICE OF THE INDEPENDENT ADVOCATE
REPORT OF INVESTIGATION

K #:09-150

Date Opened: November 9, 2009 Date Closed: July 18, 2009

Name of investigator: Kennedy Rosario
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Allegation:

Complainant, Dr. Santiago Cardenas (Cardenas), was a 2009 City of Hialeah mayoral candidate. Cardenas alleged that his campaign signs were vandalized and/or improperly removed by City of Hialeah (City) personnel.

Note:

On November 9, 2009 COE Investigator Kennedy Rosario met with COE Staff Attorney Victoria Frigo to discuss the merits of an investigation into the possible violation of the Voluntary Fair Campaign Practices Statement (VFCPS) if the investigation determines that Cardenas opponent, incumbent Hialeah Mayor Julio Robainas, was responsible for the removal of Cardenas campaign signs. Frigo advised that the COE did not have jurisdiction given that Robainas had not signed the VFCPS. Further, any acts of vandalism were criminal in nature and not within the purview of the COE.

The scope of the investigation would now center on a possible exploitation of official position by any Hialeah personnel engaged in illegally / maliciously removing Cardenas' campaign signs.

Investigation:

On November 9, 2009 Rosario spoke telephonically with Hialeah City Clerk Ralph Granados (Granados).

Granados was aware of Cardenas' allegations.

Granados stated that all the campaign signs removed by the City were removed from areas in the City right of way. Granados further stated that the signs were removed with notification given to Cardenas. Rosario asked that any/all documentation related to the sign removals be made available to the COE.

On November 13, 2009 Rosario met with Granados at City Hall.

Rosario was presented with the Cardenas election file as well as documentation related to the City's removal of his signs, as well as a copy of the City of Hialeah 2009 Candidate Handbook that is given to every candidate for City office. Said handbook has a chapter that delineates the "Campaign Advertisements State and City Regulations" including a section on political campaign signs on public and private property prohibition.

Rosario did review the Cardenas files and took away for further analysis copies of pertinent documents, electronic correspondence and photographs; said items have been made a part of the investigative file.

On November 18, 2009 Rosario met with Cardenas.

Cardenas was shown the above noted Hialeah documents.

Cardenas acknowledged that he had in fact, on several occasions, been notified by Hialeah personnel regarding his signs being improperly placed on public right of way.

Cardenas could not supply the COE any evidence that could substantiate a Hialeah employee or elected official engaged in illegal removal of his campaign signs.

Although Cardenas related that he had been advised by Hialeah "workers" that "something" was happening with his signs, he could / would not name the person(s) who spoke to him.

When asked specifically by Rosario if the information given to him by these workers indicated that a Hialeah official had ordered the removal of signs properly placed, Cardenas stated that such was not the case.

CONCLUSION:

No violation(s) of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance were uncovered.

All indications are that the City acted properly in the removal of mayoral candidate, Dr. Santiago Cardenas, campaign signs.

It is recommended that no further action by the COE is warranted and that this investigation be closed.