



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Sylvia Batista

Case No.: K13-107	Case Name: Cason campaign	Date Open:	Date Closed:
Complainant(s): Anonymous through counsel Joseph Rosenbaum, Esq.	Subject(s): Mayor Jim Cason City of Coral Gables	03/22/13	11/25/13

Allegation(s):

The COE received a letter on 03/22/13 from Attorney Joseph Rosenbaum on behalf of an anonymous client. The letter contains multiple allegations against Coral Gables Mayor Jim Cason (Cason). The following are violations allegedly committed by Cason during his mayoral race:

- Directed that no parking tickets should be written in high voter areas like Sunset Drive;
- Directed the Finance Department to cease fine collection until the election is over;
- Used e-NEWS for personal promotion during campaign;
- Used fire trucks to promote his re-election; and
- Used staff to stuff and mail campaign material on City time.

Two employees who are alleged to have worked on Cason's re-election campaign were Belkys Perez, Public Information Office and Cindy Birdsill, Economic Development.

Relevant Law:

Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1(g) *prohibition on exploitation of official position.*

“No person included in the terms defined in Subsections (b)(1) through (6) and (b)(13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others...”

Investigation:

Interviews

08/07/13 - Adolfo Sansores, Assistant Finance Director –

Adolfo Sansores (Sansores) contacted the COE in response to a message left for Finance Director Diana Gomez (Gomez). Sansores said that he has been with the City for 27 years. Sansores was asked about the allegation made against Mayor Cason, asserting that Cason gave directions to the Finance Department to cease collection of fees from residents and area businesses until after the election. Sansores replied that he has not received instructions from Cason, or anyone else, to do, or not do something. Sansores explained that the Finance Department collects fees for false alarms, waste service collections, and fees from businesses for not having the proper documentation to operate in the City. Sansores explained that Finance has two employees who walk through the City and check businesses for the required documentation. Sansores stated that he is not aware of any directives from the Mayor, or anyone else, requesting that collection of fees cease until after the election.

Sansores said that he would ask Finance Director Gomez to contact the COE upon her return from vacation.

08/19/13 – Diana Gomez, Finance Director –

Gomez was advised as to the allegation made that her department had been instructed to cease collection of fines until the election is over. Gomez said that she was recently appointed Finance Director. Gomez said that she has never been given instructions by anyone regarding when or when not to collect fees from residents and area businesses. The Finance Department has been collecting all monies due to the City, but briefly stopped when some of the notices were returned undeliverable. Gomez explained that some of the debts are so old that the addresses are not current, so they held off on sending some of the notices until they had current addresses. Gomez said that this is the only time that finance has revisited the listing of people who are past due on their payments.

08/22/13 – Patrick Salerno, City Manager –

City Manager Patrick Salerno (Salerno) was interviewed in connection with several allegations anonymously brought forth against Cason.

Salerno stated that E-News, the City's newsletter, often mentions Cason because he is the Mayor of the City and is usually connected to most of the newsworthy events. Salerno pointed out that he himself is often mentioned because he is the City Manager and involved with almost everything that happens in the City.

In connection with Cason's use of City staff to assist in his campaign, Salerno stated that City staff members did not get involved in campaigning for Cason, or anyone else running for office. Salerno said that he is certain that neither of the employees mentioned in the allegations, Belkys Perez (Perez) and Cindy Birdsill (Birdsill), assisted in Cason's campaign for Mayor. Perez is in the Public Information Office and writes many of the stories that appear in E-News, and Birdsill is the Director of Economic Development.

As far as Cason's use of City fire trucks to promote his re-election, Salerno said that this did not happen.

11/21/13 - Cindy Birdsill, Economic Sustainability Director, Economic Development Dept. –

Birdsill was hired by the City as its Economic Sustainability Director in the Economic Development Department four years ago. Her job entails overseeing administration of City properties, preparing agreements regarding City-owned land and working with developers on projects. Birdsill explained that she also does business development and acts as a liaison between the City and business owners, and oversees art and culture activities in the City.

Birdsill was advised as to the allegation made regarding her involvement in Mayor Cason's re-election campaign earlier this year (April 2013). Birdsill said that she did not work on Cason's campaign, and has not worked on any political campaign at any time. Birdsill said that Cason did not ask her to work on his campaign, nor did anyone else ask for her assistance on his behalf.

11/21/13 – Major Scott Massington, Coral Gables Police Department –

Major Massington (Massington) was Acting Chief of Police from 04/28/12 through the second week in May 2013. Massington was Acting Chief of Police during Cason's re-election campaign earlier this year. Massington was asked whether he received instructions from Cason, or anyone else on Cason's behalf, to discontinue writing parking tickets in high voter areas such as Sunset Drive. Massington replied that he was not given such instructions by anyone at any time.

11/22/13 – Belkys Perez, Public Affairs Specialist –

Perez is a Public Affairs Specialist in the Office of Public Affairs. The Office of Public Affairs is the public relations arm of the City Manager's office. Her office promotes all events in the City. They also participate in writing pieces for e-News, the City's newsletter. Perez said that everything that they promote in e-News has to do with the things happening in the City, and not aimed at promoting the Mayor or any commissioner.

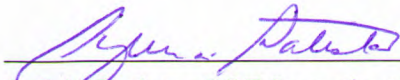
Perez was advised as to the allegation made regarding her involvement in Cason's re-election campaign earlier this year. Perez stated that she did not work on anyone's campaign, including the Mayor's, at any time. Perez said that she was shocked at the allegation. Perez said that she was not asked to help in Cason's re-election campaign and explained that her office maintains distance from politics because they understand that this is the responsibility of the officials exclusive of City staff.

Document/Audio/Video Review:

E-News is the City's newsletter alleged to have been used by Cason for self-promotion during the election. A review of the e-News issues dated from 10/10/12 to 04/10/13 (day after the election) reflect that Cason is often mentioned as being instrumental in bringing about new and exciting changes to the City. However, the references to Cason are appropriate and do not read like self-promotion related to campaigning by Cason. City Manager Salerno is also often mentioned in the newsletter as being instrumental in bringing many of the City's projects to fruition.

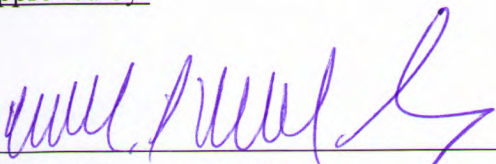
Conclusion(s):

In consideration of the statements obtained in this investigation, it appears that there is no evidence to support the allegation that Cason exploited his position by using City staff and resources to help in his re-election campaign. This matter is closed without further action.

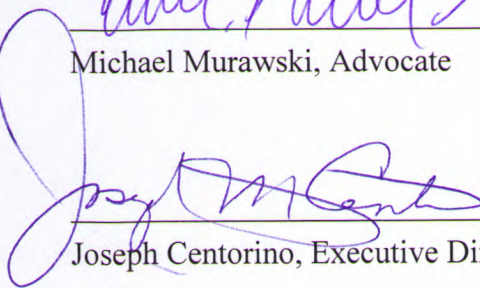


Sylvia Batista, COE Investigator

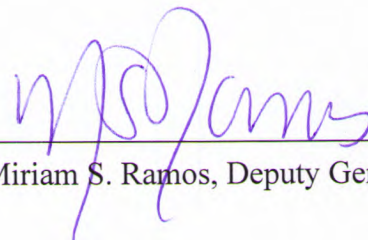
Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director



Miriam S. Ramos, Deputy General Counsel

11/27/13

Date