



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Sylvia Batista

Case No. K13-111	Complainant(s): Anonymous through Joseph Rosenbaum, Esq.	Case Name:	Subject(s): Mayor Jim Cason City of Coral Gables
Date Open:	03/22/13	Date Closed:	08/20/13

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 allegation investigated herein involves orders given by Cason to Public Works asking that they make sure the basin behind Manny Diaz' (Diaz) house is cleared regularly, as Diaz does not like to see seaweed on the water behind his house.

Relevant Law:

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

05/20/13 - Carlos Hernandez, Public Works Director, City of Coral Gables –
chermandez3@coralgables.com

Carlos Hernandez (Hernandez) has been with the City for six (6) months. Hernandez was asked about the allegation claiming that Cason has given orders to PW to make sure the basin in the back of Diaz' house is cleared regularly. Hernandez responded that he has never received an order from the Mayor to do anything. Hernandez added that he would have remembered if the Mayor called him regarding Diaz or seaweed in the basin.

Hernandez said that right-of-way maintenance does regular clearing of seaweed in all basins in the City. They do not have a regular schedule because the pattern of seaweed accumulation is inconsistent. Hernandez said that he has been told that this has been the case over the last few years. The Mayor has never called him for any reason. Hernandez said that the order to clear the basins comes from him. The staff monitors seaweed growth, and if a basin needs to be cleared, they clear it. Hernandez advised that Patrick Burns (Burns) is in charge of right-of-way maintenance which handles seaweed complaints. What they do is basically monitor seaweed growth and send any complaints to him if someone calls.

Hernandez said that on one occasion there was a complaint from Diaz. The right-of-way staff could not clear Diaz' basin quick enough and he complained on that occasion. Staff could not clear it right away but a day or two later they did. Hernandez said he thinks that the complaint came directly from the resident, Diaz. To his knowledge, Cason was not involved. If Burns, who is Acting Superintendent of Right-of-Way Maintenance, got the call about this issue from the Mayor, he would have let him know. Hernandez added that Diaz called at a time when seaweed build-up was unexpected because of unusually heavy winds. The boat used to do the clearing of the basins was being used to do something else at the time of the complaint, so there was a wait time.

05/20/13 - Pat Burns , Acting Superintendent of Right-of-Way Enforcement and Maintenance, Public Works Department, City of Coral Gables - (305) 733-0292

Burns, who is in charge of Right-of-Way Enforcement and Maintenance, said that he could not say with certainty whether or not the Mayor has ever given an order involving clearing of Diaz' basin. Burns explained that when someone makes a complaint about seaweed in the basin, he gets a call from William Cute (Cute), who is the property manager. Cute will call and say, "basin is full can you go?" If he says he cannot and later it is determined that it has to be done, he will get a call from staff in the office telling him to go, or maybe not. Burns does not know what transpires in between his conversation with Cute and the call from office staff.

Burns explained that every time the wind blows east they get more seaweed in Coral Gables. They have 4 primary locations that they address for accumulation of seaweed. The most frequently filled basin is Diaz, however, there are other frequent complainers when the wind is blowing east. Burns said he does not know if the Mayor has involved himself in the process. Calls complaining of a full basin come from Cute, the residents themselves, boat

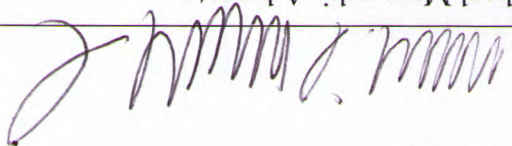
Sylvia Batista, COE Investigator
Sylvia Batista

There does not appear to be any substance to the allegation that Mayor Cason directed Public Works employees to do any special favors for resident Manny Diaz, accordingly, this matter is closed with no further action.

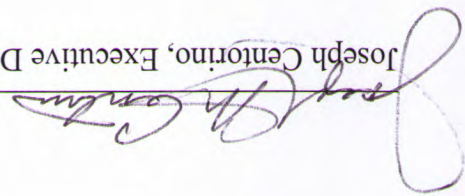
Conclusion(s):

captains or somebody working on the property may notice and call. They are told to call the main office so that the office will keep track of the office's response.

Approved by:



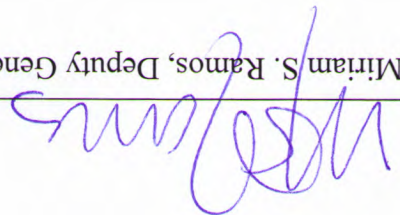
Michael Murawski, Advocate



Joseph Centorino, Executive Director

8/27/13

Date



Miriam S. Ramos, Deputy General Counsel