



## Miami-Dade Commission on Ethics & Public Trust

### Investigative Report

**Investigator:** Breno Penichet

<b>Case No. :</b> K13-066	<b>Case Name:</b> Sunshine Law Violation Medley	<b>Date Open:</b>	<b>Date Closed:</b>
<b>Complainant(s):</b> Fortuna Castellano	<b>Subject(s):</b> Griselia Di Giacomo Susana Guasch	May 6, 2013	August 21, 2013

### Allegation(s):

Vice Mayor Griselia Di Giacomo (Di Giacomo) and Council Person Susana Guasch, may be discussing Town of Medley (Town) business, prior to council meetings. Both council members also have close relatives working for the Town in positions where a vote from the council can influence their pay and benefits.

### Relevant Ordinances:

*Florida Sunshine Law*, Sec. 286.011, Florida Statutes

*Exploitation of official position prohibited*, Sec. 2-11.1(g), Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

## **Investigation:**

### ***Interviews***

**Fortuna Castellano**  
**8367 NW S River Dr.**  
**Medley, Florida 33166**  
**Telephone: 305-887-8468**

On 5/2/2013, Fortuna Castellano (Castellano) voluntarily agreed to meet with COE investigators and provide information regarding this investigation. Castellano advised she is a resident of the Town since the 1980s. Castellano also advised her husband worked for the Town, in the Public Works department for over twenty years. Castellano alleges some members of the Town Council, in particular Di Giacomo and Guasch (Guasch), may be communicating on certain issues prior to them being presented and discussed on the dais. Castellano also advised that Guasch and Digiacomo's relatives work for the Town.

Castellano provided copies of phone records for one month's worth of phone calls (Jan 2013 to Feb 2013) for all four council members. Castellano advised that she obtained the records from the Town Clerk. Castellano also expressed concerns regarding the Council, particularly Guasch and Digiacomo, voting to authorize benefits or salaries to the departments that employ their relatives. Castellano feels these actions by the council members are circumventing the Mayor's authority.

**Susana Guasch**  
**Councilperson**  
**Town of Medley**  
**7777 NW 72<sup>nd</sup> Ave.**  
**Medley, Florida 33166**  
**Telephone: 305-887-9541**

COE Investigator Penichet interviewed Guasch in her office. After being informed of the nature of the investigation, Guasch voluntarily provided the following information. Guasch advised that she is friends with the Vice Mayor and does socialize with her on her own time. She denies ever discussing any items that may come up on the dais. Guasch advised that she is very careful not to mix personal with Town business, because she is well aware there is a group that is very critical of the council.

Guasch advised that her husband was working for the town many years before she became a council member. Guasch pointed out that she has never nor would she ever vote to grant her husband any special privilege. In fact, Guasch advised that she requested an opinion when an item came up that she felt may be a conflict.



**Griselia Di Giacomo**  
**Vice Mayor**  
**Town of Medley**  
**7777 NW 72<sup>nd</sup> Ave.**  
**Medley, Florida 33166**  
**Telephone: 305-887-9541**

COE Investigator Penichet interviewed Di Giacomo in her office. After being informed of the nature of the investigation, Di Giacomo advised that she is friends with Guasch and does socialize with her on her own time, but denies ever discussing any items that may come up on the dais. Di Giacomo advises that she is very careful not to mix personal with town business, because she is well aware there is a group that is very critical of the council.

Di Giacomo advised that her daughter works for the Town for some years now and she (Di Giacomo) also worked for the town before she became a council member. Di Giacomo pointed out that she has never nor would she ever vote to grant her daughter any special privilege.

***Document/Audio/Video Review:***

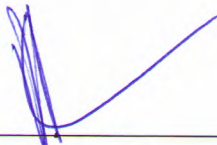
E-mail to Victoria Frigo from Guasch requesting an opinion on a question pertaining to a vote on some reorganization and changes to Code Compliance Department of the Town.

Telephone statements for the month of January 2013 to February 2013 of Town Council members, detailing monthly telephone usage of their Town issued phones.

**Conclusion(s):**

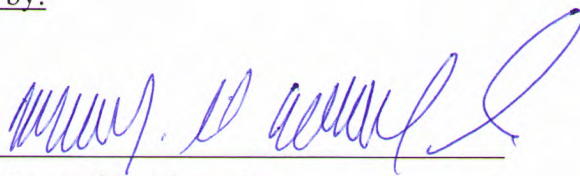
The investigation yielded no evidence to substantiate the claim that the Vice Mayor or Council member Guasch communicated with each other prior to the meetings or have voted in any way that may have benefited their relatives.

Advocate Michael Murawski advised that no further action would be taken since the allegations are vague and non-specific. The phone records provided offer proof of nothing else other than that Council members occasionally call each other but does not prove that they discuss Town business or violate the Florida Sunshine Law. There does not appear to be any ethics related violations. Accordingly, the above case is closed without further action.

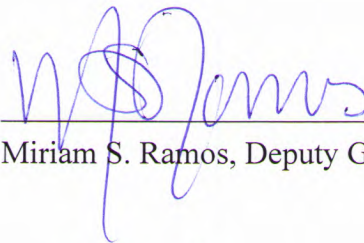


Breno Penichet, COE Investigator

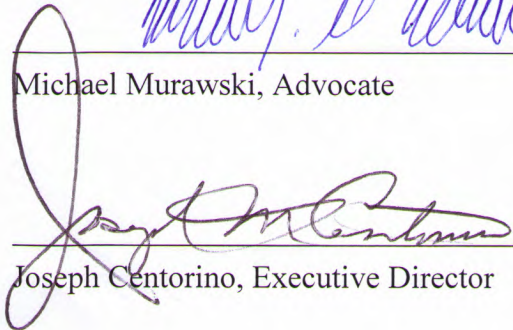
Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director

9/25/13

Date