



**Miami-Dade Commission on Ethics & Public Trust**

**Report of Preliminary Inquiry**

**Investigator:** Karl Ross

<b>Case No.:</b> PI 13-029	<b>Case Name:</b> Comm. Carollo Domino Tables	<b>Date Open:</b>	
<b>Complainant(s):</b> Elaine de Valle	<b>Subject(s):</b> Comm. Frank Carollo et al.	October 11, 2013	

**Allegation(s):**

It was alleged that City of Miami Commissioner Frank Carollo (Carollo) left domino tables displaying political ads in a Little Havana elderly housing project activity room in possible violation of electoral law or the county ethics code. The project in question is the Haley Sofge Towers on NW 13<sup>th</sup> Avenue.

**Relevant Ordinances:**

In addition to a possible elections law violation (Chapter 106), the inquiry also examined whether any of the employees at the facility exploited their official position by allowing Carollo to use the “gift” for political purposes. The county’s administrative ordinances should also be reviewed in connection with this matter to see if any might be applicable.

## **Investigation:**

### ***Interviews***

On October 15, COE visited the center and took photos of two of the domino tables in question, located in the activity room in the 800 building at Haley Sofge Towers.

COE interviewed, Yolanda Reyes (Reyes), a property manager employed by the Miami-Dade County Department of Public Housing and Community Development. Reyes advised Carollo personally delivered the tables following an event he held for residents the evening of October 4. She said the commissioner and his wife spent time with the residents and that food and music was provided. She said that she attended the first 15-20 minutes of the event and returned about an hour and a half to two hours later as it was about to conclude. She said that at that time, Carollo announced he had a surprise and left the room, returning a short time later with the domino tables. She said two such tables were left in the 800 building and that a third table was provided for the 750 building. She said a resident, Josefina Cruz, told her that the residents had been requesting new domino tables for a long time and that tables were provided in response to that request.

Reyes opined that the event had “nothing to do with politics” and said she obtained advance clearance from the housing department’s main office. She said clearance was granted from Annette Molina (Molina), PIO for the department, at (786) 469-4110. She said that, while the event did not seem to be a political event, she recognized that perhaps the political nature of the event and the tables left as gifts “was implicit.” She said she could be reached at (305) 643-8564. She said she has been working at Haley Sofge Towers since late July 2013. She said that previously she worked as a property manager at the Dante Fascell Towers.

On October 18, 2013, COE contacted Molina, PIO for the Public Housing and Community Development Department. She advised that elected officials are typically allowed, as a courtesy, to hold events for residents but they must still ask PHCD for permission. She said they must also seek permission from the local residents’ council. She said that if the residents’ council declines an invitation, the department can override this if they suspect there are political motives. She said that all qualified candidates are generally entitled to make appearance, though these are usually coordinated through the Little Havana Activity Center. She said the center provides catering and rents space at the housing projects for events. She said that the department does not allow “soliciting” by political candidates, though she noted that candidates can visit individual residents so long as they have been invited to do so.

Molina said Carollo’s office did contact her to request permission, saying they were going to be having “a little something” or an “after hours” for the residents – usually food and entertainment. She said she was not told this would be a political event. She said she was not aware that the domino tables contained a political disclaimer. She said she would have to research whether this in any way violated departmental rules. She provided the name of the president of the Haley Sofge Residents Council, Felix Perozo, (305) 541-5802.

On November 4, 2013, Molina responded to a COE e-mail regarding the permissibility of political materials in county managed senior centers. Molina advised that campaign posters and other political materials would not be allowed in common areas. She said she would try to find the applicable rule or policy document for the case file.

Molina also advised that domino tables similar to the ones left by Carollo at the Haley Sofge Towers have also been reported at other county-run facilities. She said a table from Miami Commissioner Francis Suarez had been reported at the Smathers elderly center, located at 931 SW 30<sup>th</sup> Avenue. Another domino table, this one a gift from then County Commissioner Carlos Gimenez, was reported at the South Miami Plaza senior center at 6701 SW 62<sup>nd</sup> Avenue.

Molina said she did not know whether those domino tables also displayed political disclaimers. She said she would attempt to find out and get back to COE.

On November 14, 2013, COE interviewed Assistant Miami-Dade County Attorney Terrence Smith regarding the legality of displaying political materials in public areas at county-run housing facilities. He advised that resident councils are independent from the county, and that they have the right to accept items from donors, even if they are political in nature. He went on to say that the councils cannot place permanent fixtures in common areas, and the domino tables would not be considered permanent fixtures. He did say that the tables should be put away when they are not in use, and should not be allowed to remain there indefinitely.

“They should not be left out. Resident councils should remove their property when they’re done using it.” He said his opinion is based on case law. He noted that politicians are allowed to canvass, and that common areas might even be considered public forums. He said he would do additional research and re-contact COE and also put his opinion in writing.

On or about December 2013, COE attempted to verify the existence of Valian Corp. and went to 340 Sevilla Avenue, finding an accounting firm by that name at that location. The investigator asked to speak to Jorge Vallina (Vallina) and was told he was not there at the time, so a business card was left along with a request he contact COE at his earliest convenience.

On December 21, 2013, a second letter was received by attorney Ben Kuehne (Kuehne), this one stating that he had been retained by Vallina, proprietor of Valian Graphics & Printing Corp. The letter stated that Vallina had been contacted by COE Investigator Ross and that he had contacted Kuehne for assistance. The letter further stated: “Because there is no conflict with my ongoing representation of Frank Carollo, I agreed to provide legal representation to him.”

During an e-mail exchange on February 4, 2014, Kuehne maintained he did not, in his opinion, have a conflict representing both a witness and a target in the same case because “Mr. Vallina does not appear to be adverse to Commissioner Carollo in any way.” COE requested additional documentation as to the invoice provided on or about December 12 to verify the nature of the \$750 expenditure.

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

On November 5, 2013, I reviewed all CTRs for the Carollo for City Commission campaign and was unable to identify any expenditures that represented the domino tables. I sent an e-mail to Kuehne requesting assistance in identifying said expenditures.

On or about December 12, 2013, Kuehne sent a letter to COE stating that the expenditures relating to the domino tables could be found in the commissioner's Campaign Treasurer's Report for the period from September 28 to October 11, 2013. He circled an item dated October 4, 2013, reflecting an expenditure of \$750 for "consulting advertising specialty" and identified the vendor as Valian Corp., located at 340 Sevilla Avenue, Coral Gables, Florida. He further provided an invoice from Valian in the amount of \$750 that did not contain additional detail beyond the description provided in the campaign finance report.

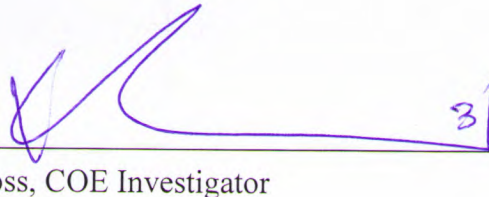
On December 18, 2013, COE reviewed state incorporation records showing that Valian Corp. had been administratively dissolved. The principal was identified as "Jorge L. Vallina."

**Conclusion(s):**

Based on the foregoing, it does not appear that there is any violation of the Miami-Dade County ethics code relating to the domino tables donated by the Campaign of Miami City Commissioner Carollo. The investigation found that, in the opinion of the Miami-Dade County Attorney's Office, case law relating to the gift of political items is unclear. It is the opinion of the county attorney's office, that the tables should not be left in the common area for prolonged periods of time and that they should be put away when not in use.

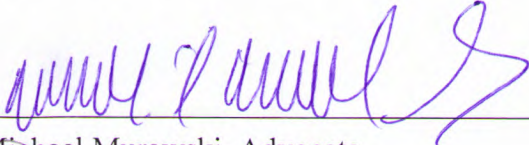
As for the remaining issue regarding the existence of a campaign expenditure linked to the tables at the Haley Sofge Towers, this is not an ethics matter, but is more appropriately construed as a state campaign finance issue. Any subsequent findings suggesting a violation of state law (Chapter 106) should be referred to the Florida Elections Commission.

Accordingly, the investigation is closed at this time.

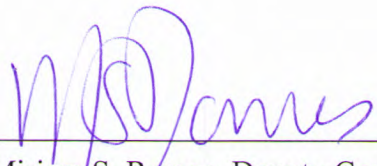
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Karl Ross, COE Investigator

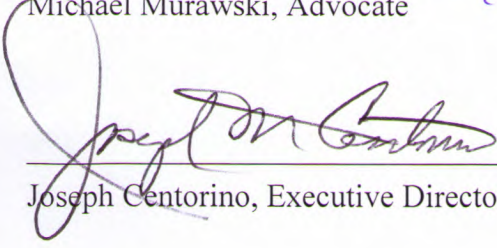
Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director

3/3/14

Date

**CASE  
CLOSED**

Date: 3/3/14