

Bal Harbour Village Council Member Jaime Sanz

Case Number: K 06-023

**Synopsis:**

Brian Mulheren, a Bal Harbour Village resident, telephoned COE Investigator Kennedy Rosario regarding his concerns relative to Bal Harbour Village Councilman Jaime Sanz.

**Details:**

Mulheren stated that Councilman Sanz' apartment residence ( 10275 Collins Ave.) located with in the residential complex known as Harbor House was recently purchased by a corporation owned by developer Jorge Perez. Harbour House is undergoing renovations and conversion to a condominium complex. All the rental residents, inclusive Councilman Sanz, had to move. The renters were afforded an opportunity to purchase their respective apartments from the developer at a reduce rate.

It is Mulheren's contention that since Sanz no longer lived at Harbour House he should not continue to hold office as BHV District #3's councilman. Mulheren, although unsure, believed Sanz no longer lived in BHV.

Mulheren further asserts that Sanz entered into a contract agreement with the new owners of Harbour House (Jorge Perez) to purchase his former apartment residence and as such would be in conflict if Sanz were to vote on BHV projects Perez has before the BHV Council specifically the Sheraton Bal Harbour Hotel conversion.

Mulheren also mentioned that this same issue was brought before a Special Meeting of BHV Council on January 5, 2005.

COE Investigator made contact with Ellisa Horvath, BHV Clerk, and obtained the following minutes of the January 5, 2006 BHV meeting where the Sanz residency issue was discussed.

**BAL HARBOUR VILLAGE**  
**SPECIAL COUNCIL MEETING**  
**PARTIAL MINUTES**  
**JANUARY 5, 2006**

***Brian Mulheren, resident – 10245 Collins Avenue***, questioned Councilman Sanz's residency in Bal Harbour. Councilman Sanz reported that he represents District 3, which is now the One Bal Harbour and Harbour House South. He noted that nobody can live in that District right now and advised that he is planning on moving back to Harbour House, when the buildings are finished.

***Babak Raheb, resident – 128 Balfour Drive***, thinks that Councilman Sanz must reside in the District that he is representing. Mr. Weiss reviewed the Village Charter and advised that in the event that a Councilmember removes permanently from a district, then the Council can declare the seat vacant. He explained that the Council has to determine whether or not Councilman Sanz has permanently removed himself from the District. Councilman Sanz reported that he has the intent to move back into the Harbour House.

Name & Signature:	Kennedy Rosario, Investigator	Date: Item #:
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Mayor Roth noted that Councilman Sanz has publicly said that he intends to live in that District. Mr. Weiss noted that it's the Council's determination, based on what they believe his intent is. Councilman Jacobi believes Councilman Sanz, if it's his intention to live there. Assistant Mayor Berlin and Councilman Rosenfield agreed. Mayor Roth advised that the issue is resolved.

Investigator Rosario discussed the Mulheren / Sanz issue with Chief Assistant Joseph Centorino, who opined that "there is nothing there" warranting any action on the part of the State Attorney's Office given the decision rendered by BHV Council.

BHV Attorney Richard Wiesz was also contacted by Investigator Rosario and although he initially expressed doubts as to why the COE should be involved in the issue stated that his opinion given Case Law/ Robert's Rules clearly indicate that the decision on Sanz' residency belongs solely with the BHV Council.

Councilman Sanz was also contacted by Investigator Rosario. Sanz is currently living in BHV, renting an apartment at 284 Bal bay Drive. It his intent (as so expressed to the BHV Council) to return with in the boundaries of BHV District # 3 after the renovation / construction is completed. Sanz has not entered into any option to buy contract with the Harbour House developers, and has not voted on any Perez affiliated issues. Sanz pointed out that the Harbor House renovation/conversion will not come before the BHV Council given that said project will only require permit approvals of which he is not involved in. Sanz had also sought counsel from BHV Attorney Wiesz whom expressed to Sanz that the matter was correctly resolved by the BHV Council.

Investigator Rosario shortly thereafter spoke with Mulheren and briefed him on the above noted findings.

After review by COE Advocate Michael Murawski this investigation is CLOSED.

Date:  
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