

REPORT OF INVESTIGATION

K#07-037

DATE OPENED: 3/7/07

INVESTIGATORS: Sylvia Batista, Manuel Diaz

Allegation:

The following information was received by the COE through an e-mail from Team Metro informing that there is reason to believe that Mr. Frank Lago, an appointed member of Community Council #10, may not permanently reside in the home address provided at the time of his appointment.

The aforementioned allegations implicate a violation of the requirement that elected or appointed council members shall,

for three (3) months prior to qualifying, have been resident electors of the separate sub areas of the council area for which they are qualifying or for an at large position be a resident of the council area for three (3) months prior to qualifying and be elected by the electors of the entire council area.

Investigation:

This investigator obtained and reviewed the following:

1. Frank Lago Resume
2. Advisory Board Appointment Form
3. Board Member Information
4. Oath of Office
5. Letter notifying of Miami-Dade County Advisory Board Appointment by Commissioner Javier Souto
6. Voter Registration dated 4/6/2000
7. Voter History Report
8. Voter Change History Report (Subject changed address from 12730 SW 27 St to 1010 SW 72 Avenue on 8/16/2006)
9. Accurint Comprehensive Report

All documents related to Mr. Lago's appointment (1 thru 5) reflect that he resides at 1010 SW 72nd Avenue which is the address that qualifies him for the appointment to Community Council 10-Subarea 102 ("qualifying address").

Mr. Lago became a registered voter on April 6, 2000. His stated address at the time of registration was 12730 S.W. 27th Street. This property is owned by his parents, Francisco J. Lago and Magdalena Lago. On or about **August 16, 2006** (four months prior to his appointment) Mr. Lago changed the address on his Voters Registration to reflect the qualifying address.

The Comprehensive Report reflects that Mr. Lago resides at 12730 SW 27th Street and that a Mr. Adrian Sanchez resides at the qualifying address. The property at the qualifying address is owned by Mr. Lago's parents, Francisco J. Lago and Magdalena Lago.

The driver's license information on the Comprehensive Report reflects that Mr. Lago changed his address information on **August 16, 2006** from 12730 SW 27 Street to the qualifying address.

3/29/07 - Interview of Mayte Gonzalez

Ms. Gonzalez resides at 1010 S.W. 72nd Avenue, Miami, Florida. This is the same address provided by Mr. Lago as his primary residence which qualified him for the appointment to Community Council #10. Ms. Gonzalez stated that Mr. Lago is her roommate. She has lived at 1010 SW 72 Ave. for approximately one year. Mr. Lago moved in sometime later and occupies one bedroom in the house. She lives there with her two young children. Mr. Lago is not her boyfriend. Mr. Lago's father owns the house and she pays him rent. She supposes that Mr. Lago also pays rent to his father. She advised that Mr. Lago comes and goes as he pleases. She does not know when he will be back. He drives a four-door dark car. She does not know the color of the car or the make and model. Sometimes he drives other cars. She does not know what is in his bedroom. When asked about Adrian Sanchez, Ms. Gonzalez stated that he is her ex-husband. She explained that she still uses his name because she has a bad credit history. She previously lived at 3621 S.W. 91 Ave. She advised that the house at 1010 SW 72nd Avenue is a three bedroom single family house with no efficiency.

Ms. Gonzalez was asked to give a statement. Initially, she agreed. When she was advised that it was to be sworn, she hesitated, and said that she had to tend to her children. She returned back into the house to retrieve her identification leaving investigators outside. After five minutes investigators knocked on the front door. Ms. Gonzalez came back outside with a portable telephone and advised that she was speaking to Mr. Lago. When she hung up she was again asked to give a sworn statement to which she responded that she would not. She advised that Mr. Lago was in a meeting and would be there in two hours.

Investigators left a business card and advised her to advise Mr. Lago to call investigators.

There were two vehicles parked outside the house. A black Millenia was parked in the driveway and a late model blue van was parked outside the fence in the swale area.

MHX 08K - Vehicle
U44 6QX - Van

As of 4/6/07, Mr. Lago did not contact COE investigators as requested.

4/6/07 – Contact letter to Mr. Lago was delivered by Certified Mail – Return Receipt Requested.

4/9/07 – This investigator received an e-mail from Lourdes Avalos of Team Metro attaching Mr. Lago's resignation from CC#10 on 3/30/07 citing an increase in his work load as the reason for his resignation.

Findings:

The following are some of the points which, although inconclusive, may shed some light as to the question of whether Mr. Lago resides at 1010 S.W. 72nd Avenue:

1. COE investigators drove by Mr. Lago's alleged residence on several occasions and at various times of the day, but did not on any of those occasions see any vehicle parked outside the residence which came back to Mr. Lago.
2. Pursuant to address check, the person living at the subject residence is Adrian Sanchez who is married to Ms. Gonzalez.
3. COE investigators confirmed that Ms. Gonzalez resides at the subject address with her two children.
4. Ms. Gonzalez said that Mr. Lago was her roommate, but she refused to give COE investigators a sworn statement to that effect.
5. Records reflect that Mr. Lago changed his address on his voter's registration and his driver's license on August 16, 2006, approximately 3-1/2 months prior to his December 1, 2006 appointment to CC#10 by Com. Javier Souto. In order to qualify, Community Council appointees must reside in the sub area of the council area for at least 3 months prior to qualifying.
6. Mr. Lago resigned as a CC#10 councilmember one day after COE investigators visited Ms. Gonzalez at the subject address citing an increased work load.

Conclusion:

In the light of Mr. Lago's resignation, COE investigators were instructed by the Advocate to close the case.