

REPORT OF INVESTIGATION

K #: 07-089

Date Opened:

Name of investigator: Manuel W. Diaz
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Allegation:

Investigators received an anonymous letter alleging that Sweetwater City Commissioner Manuel Duasso improperly used election campaign funds.

A preliminary investigation was initiated to determine whether any provisions of the Conflict of Interest and Code of Ethics ordinance may have been violated. In addition, contact was made with the Florida State Department of Elections for a possible referral of the matter. Commissioner Duasso may have violated Title IX Chapter 106 Campaign Financing, which reads,

106.1405 Use of Campaign Funds.—A candidate or the spouse of a candidate may not use the funds on deposit in a campaign account of such candidate to defray normal living expenses for the candidate or the candidates family, other than expenses actually incurred for transportation, meals, and lodging by the or a family member during travel in the course of the campaign.

Investigation:

1. The Anonymous letter sent to the COE alleged that Commissioner Duasso ordered a Dell Computer on March 23, 2007. Additionally, the letter alleges that Mr. Duasso purchased approximately \$3000.00 in clothing for himself and his wife.
2. Investigators contacted Sweetwater City Clerk Marie Schmidt (305) 485-4528. The City Clerk advised that the qualification period for the election began on March 14, 2007 and ended at 5:00PM on March 23, 2007.

3. Investigators obtained a copy of Commissioner Duasso's Campaign Treasurers Report Expenditures from the Sweetwater City Clerk's Office. The Report (TR) for the period covered 01/01/07 to 06/19/07 indicates under sequence number 28 (March 23, 2007) that Commissioner Duasso purchased an office computer from Dell. The report under sequence 30 (March 23, 2007) indicates that Commissioner Duasso purchased clothing from Jose Maya & Nelson Castellanos. The report under sequence 31 (March 23, 2007) purchased tailors (alterations).
4. Commissioner Duasso was sent a COE Contact letter to which he responded on July 16, 2007. Commissioner Duasso was advised of the scope of the investigation and agreed to provide copies of the campaign receipts for the items listed under sequence numbers 28 (computer), 30 (clothing) and 31 (tailors). Commissioner Duasso provided the receipts.
5. According to the invoice, the computer was purchased through the City of Sweetwater account and delivered to the M. Duasso Campaign/Sweetwater, at his home address. The Dell Invoice indicates that the Order Date for the Computer was March 22, 2007.
6. According to the receipt, the clothing was purchased on March 23, 2007, from JOENEL Inc, located at 777 N. W. 72 Ave, Miami, Florida.
7. According to the receipt the clothing was tailored by Eddy's Taylor's, 5545 SW 8th Street, Miami, Florida.

Interview – Commissioner Manuel Duasso 305-609-4108. Mr. Duasso was sent a COE contact letter and responded to Investigators on July 16, 2007. He was advised as to the scope of the Investigation, and the concern with purchase of the Dell Computer and the clothing that he listed in his Campaign Treasurers Report. Commissioner Duasso advised that he purchased the computer for his reelection

campaign using campaign funds through an account that the City had will Dell. He explained that the computer was intended to be use in his reelection campaign. He now uses the computer for City related work.

With reference to the clothing he advised that the clothing was intended to be used in the campaign. He purchased the clothing only for himself. Some of the clothing did not fit correctly so he took them to a tailor for alterations. He now uses the clothing when he appears at City Commission meeting and when he attends other City functions. Before making the purchase of the computer and the clothes, Commissioner Duasso contacted the City Clerk and requested that she contact the State Division of Election to make sure that the purchases were proper.

Interview Marie Schmidt, Sweetwater City Clerk,

Ms. Schmidt confirmed that Commissioner Duasso contacted her and requested that she contact the Division of Elections for the clarification. Ms Schmidt advised that she was not able to contact anyone at the Division of Elections, she did however contact Ms. Maria Acosta at Miami-Dade Elections, who confirmed that the purchase of the computer and the clothes were proper use for campaign funds.

Interview Maria Acosta, Clerk 4, Division of Elections, 305 499 8410. When contacted by investigators, Ms Acosta advised that she did not recall speaking to Ms Schmidt. She clarified, if she did speak to Ms. Schmidt, she would have advised her that campaign election funds may be used to purchase items in the furtherance of an election campaign. If questioned, it would be up to the candidate to justify the purchase.

Interview Mr. Joe Maya - Mr. Joe Maya is the owner of JONEL INC. was contacted by COE Investigators. He advised that JONEL INC. is a men's clothing store. He recalled the Duasso sale. The Commissioner only purchased men's clothing. He never mentioned his reelection campaign. Mr. Maya referred the Commissioner to Eddy's Taylor's. Commissioner Duasso paid by check, he does not

recall if the Commissioner used a personal check or a reelection campaign check. Mr. Maya did not retain a copy of the Commissioner's check. He provided Investigators with a copy of the store's deposit slip to Total Bank for the day's deposits reflecting the purchase. He did not deposit the check the same day as he received the check. He waited until the next banking day which was a Monday.

Interview Manuel Morrano, Mayor of the Town of Sweetwater. He explained that the City has a strong mayor form of government. The Mayor is also the administrator for the City. He advised that the City commissioners are not given offices. They work from home. They are not issued computers. They get an expense allowance and a car allowance.

CONCLUSION:

1. City Commissioner Duasso was a candidate for reelection in Group 7 in the City of Sweetwater, Florida.
2. The COE received an anonymous letter alleging that Commissioner Duasso improperly used reelection contributions for the purchase of clothing for himself and his wife. In addition, the letter alleged that the Commissioner purchased a laptop computer.
3. Commissioner Duasso's Campaign Treasurer Report for 01/01/07 through 06/19/07, *Expenditure* lists expenditures of \$1,742.04, on March 23, 2007, for a Dell Office Computer, \$2,678.48 for clothing on March 23, 2007 and \$87.00 for alteration expenses (tailors) on March 23, 2007.
4. Commissioner Duasso when contacted advised COE Investigators that the campaign funds were spent on items (computer and clothes) related to his reelection campaign.
5. Commissioner Duasso advised COE Investigators that he contacted his City Clerk to clarify State restrictions on the use of campaign funds.

6. Mr. Joe Maya owner of JOENEL Inc. verified that the clothes purchased were for Commissioner Duasso.
7. The qualification period for the 2007 Sweetwater general election was between March 14, 2007 and 5:00 PM on March 23, 2007.
8. The three purchases were made on March 23, 2007, the last day of the qualification period.