

OFFICE OF THE INDEPENDENT ADVOCATE
REPORT OF INVESTIGATION

K #:08-015

Date Opened: February 8, 2008

Date Closed: February 12, 2008

Name of investigator: Kennedy Rosario
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Issue:

Did Mayor Carlos Alvarez or anyone else in his office exploit their official position by disseminating campaign material utilizing Miami-Dade County resources?

Investigation:

This inquiry was predicated on a Miami Herald article entitled "Miami-Dade mayor's e-mail may breach campaign law" published February 7, 2008. The article chronicles a press release issued by the "Mayor" announcing political endorsements from the Miami-Dade Firefighters Union and the Dade County Police Benevolent Association. The press release included photographs (with captions) taken at the event by a County photographer assigned to the Mayor's office.

COE Investigator Kennedy Rosario spoke with Firefighter's Union President Stan Hill who related that his union formally endorsed the Mayor on January 30, 2008 via union correspondence addressed to Mayor Carlos Alvarez at his campaign headquarters of 14915 SW 29 Terrace.

Stan Hill further explained that it was the union that contacted the Mayor's campaign staff inviting the Mayor to a Press Conference at their union headquarters to announce their endorsement; subsequently Hill contacted PBA President John Rivera who also agreed to attend the press conference, likewise to announce the PBA endorsement.

Stan Hill stated that it was a union member that initially contacted the media advising them of the press conference.

PBA President John Rivera in a conversation with Investigator Rosario corroborated Stan Hill's account remarking that all media communication involving the event was spearheaded by the Firefighter's union.

Stan Hill supplied the COE with a copy of the above mentioned endorsement letter.

On Tuesday, February 12, 2008 Investigators Penichet and Rosario interviewed Communication Director Victoria Mallette, Media Relations Specialist Eric Esteban and Photographer Ricardo Garcia of the Office of the Mayor.

Ms. Mallette reiterated quotes attributed to her in the article namely that she "made a mistake" in releasing the e-mail to hundreds of individuals, including County Staff, and news outlets.

Ms. Mallette explained that normally Ms. Suzy Trutie, Assistant Communications Director, handles the editing of captions that appear with press release photographs. Unfortunately Ms. Trutie was absent that day requiring Ms. Mallette to assume the editing duties.

Ms. Mallette advised that the Communications Department of the Mayor's Office has the responsibility to chronicle the daily mayoral activities / events of Mayor Carlos Alvarez. As part of this task a County photographer is usually assigned to accompany the Mayor at events attended by Carlos Alvarez in his official capacity.

This endorsement event was preceded by an event at the Mayor's West Dade Office involving dignitaries from Spain. Photographer Ricardo Garcia followed the Mayor from the West Dade Office to the endorsement event and proceeded to shoot the activity.

Garcia stated that the activity "seemed like a County event" given that all the participants were County personnel.

Garcia typically forwards the photographs of events to Ricardo Esteban.

According to Mr. Esteban his responsibility is to receive the Garcia photographs and caption them for inclusion in the press release.

For this endorsement event, Esteban received the photographs from Garcia, researched the PBA and Firefighters website for caption material which he included with the photographs.

Esteban, considering Ms. Trutie's absence, forwarded his draft to Ms. Mallette who then edited the captions, removing some of the written material, and returned the e-mail to Esteban who released the final draft electronically to a predetermined list of recipients.

Note: the COE was supplied with the list of recipients as well as the unedited version of the press release.

Ms. Mallette's explained her "mistake" by stating that in excess of 200 press releases per year are released by the Communication Department detailing the Mayoral events. These events include special VIP meetings, public events, County functions, etc., that are routinely distributed to the media. The (County) Mayor's photographer often times

accompanies the Mayor to events deemed as official Mayoral functions. The Communications Department then releases the event information, via electronic mail, to numerous news / media outlets. Photographs usually accompany the releases as a courtesy to the smaller media outlets that normally have no such photographs to accompany their article.

This endorsement event, Ms. Mallette freely admits, got by her and her staff. It should not have been released as a County Communication.

CONCLUSION:

Ms. Mallette did not receive nor read the Firefighter's endorsement letter, County personnel in their union capacity spearheaded the event, notification to the Mayor was accomplished via the Mayor's campaign headquarters, media representative invited to the press conference by the Firefighters union also engaged the Mayor in dialogue not related to the endorsement.

It is clear from the interviews conducted by the COE, review of the materials in question, assessment that the endorsement by these two County unions are of a political / campaign nature (even though there is no declared opponent against Mayor Carlos Alvarez), the Communications Department erred in releasing details and photographs of this event utilizing County resources. It does not appear that the Mayor or anyone on his staff intentionally disseminated "campaign material" using the County wide e-mail system in any attempt to deliberately influence voters. Any elections law violation which was also alleged in the Herald news article is left to the determination of the Elections Commission. This office is taking no further action.