

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

#K11-118

Date Opened: 09/09/11

Date Closed: 11/04/11

Investigator: Sylvia Batista

This matter was referred to the COE by Miami-Dade Fire Rescue Internal Affairs Bureau (IA). The matter relates to the outside employment of Steven W. VanDesande (VanDesande), Air Rescue Pilot for Miami-Dade County Fire Rescue Department (MDFR). Pursuant to the IA report, during the course of the Miami-Dade Risk Management (RM) investigation of a workman's compensation claim filed by VanDesande, it was discovered that VanDesande had formed a Florida limited liability corporation named TCS Realty, LLC (TCS) in 2007. The RM investigator checked with the Miami-Dade Elections Department and found that no request for outside employment or outside employment statements had been filed by VanDesande for the years of 2007, 2008, 2009, and 2010.¹

The COE's issue relates to a possible violation of the Conflict of Interest and Code of Ethics Ordinance Section 2-11.1(k)(2) *Prohibition on outside employment*.

¹ COE investigator verified the accuracy of this information.

Investigation:

A property search conducted on VanDesande reveals that Steven W. VanDesande has purchased approximately 15 single family homes and condominiums in the State of Georgia starting in December 9, 2003. The research further reveals that VanDesande has owned and managed three or more real estate properties since 2004. For this reason, it is apparent that VanDesande has been engaging in unauthorized outside employment since that time. Attached hereto is a schedule of properties purchased by VanDesande.

09/28/07 – Steven W. VanDesande –

VanDesande rendered a verbal statement on the subject of his outside employment. VanDesande explained that based on the MDFR department's outside employment policy and definition made available to staff during the time in question, he was not engaging in outside employment. VanDesande said that he was not making real estate investments to make a profit, but rather to use as tax shelters. VanDesande stressed that he has not made any money from his investments, and his income tax forms reflect that after all calculations are made, he is left with no taxable income, and this includes the income received from his county job. It was explained to VanDesande that he is required to report all compensation received from his outside employment activities before tax credits and deductions are applied.

VanDesande brought copies of outside employment statements for 2008, 2009 and 2010 in which he reports receiving no money or compensation from TCS Realty, LLC. TCS Realty, LLC., is a limited liability company formed by VanDesande and his spouse for the purpose of managing the real estate properties. VanDesande stated that he and/or his spouse hold title to all of the rental properties in question. TCS Realty, LLC

does not own any of the properties. VanDesande explained that he purchased the properties to use as tax shelters designed to protect him and his wife from having to pay income tax, a plan that has resulted in zero taxes for the VanDesandes for several years.

VanDesande was advised by the COE that no ethics complaint would be filed against him, but that compliance with the outside employment filing requirements would be necessary. VanDesande agreed to submit a request for advisory opinion to the COE in order to ascertain what his duties and obligations are.

11/03/11 – COE staff attorney Victoria Frigo submitted an ethics advisory opinion to VanDesande stating that his involvement with TCS Realty, LLC, although limited and uncompensated, is considered outside employment and must be authorized by his supervisor and an outside employment statement must be filed yearly.

Conclusion:

VanDesande submitted outside employment statements for the years 2008, 2009 and 2010 to the Miami-Dade Elections Department on 11/04/11. Since full compliance was accomplished, no further action will be taken by the COE on this matter.

SCHEDULE "A"

REAL ESTATE OWNED BY STEVEN W. VANDESANDE and/or GLADYS VANDESANDE

SALE DATE	ADDRESS	LAND USAGE/ DOCUMENT TYPE
9/23/02	11385 Lake Shore Dr., Hollywood, FL	Single Fam Home; Deed
9/19/03	11561 NW 87 th Place, Hialeah, FL	Single Fam Home; Deed of Trust
12/9/03	5787 Brooklyn Ln, Norcross, GA	Single Fam Home; Deed
1/28/04	1240 Spring Branch Ct., Lawrenceville, GA	Single Fam Home; Deed
2/12/04	495 Cool Weather Dr., Lawrenceville, GA	Single Fam Home; Deed
7/12/04	1500 Heatherglade Ln, Lawrenceville, GA	Condo; Deed
9/22/04	490 Pond Weed Dr., Lawrenceville, GA	Single Fam Home; Deed of Trust
9/22/04	173 Spring Walk Way, Lawrenceville, GA	Single Fam Home; Deed of Trust
9/29/04	1611 Heatherglade Ln, Lawrenceville, GA	Condo; Deed
11/30/04	1500 Heatherglade Ln, Lawrenceville, GA	Condo; Deed of Trust
11/30/04	1670 Heatherglade Ln, Lawrenceville, GA	Condo; Deed of Trust
2/18/05	15 Waters Edge Dr. SE, Acworth, GA	Single Fam Home; Deed
2/23/05	1412 Dayspring Trce, Lawrenceville, GA	Condo; Deed
2/24/05	1382 Dayspring Trce., Lawrenceville, GA	Single Fam Home; QCD from Gladys VanDesande to SV
08/01/05	507 Pond Lillies Rd., Lawrenceville, GA	Single Fam Home; QCD from Gladys VanDesande to SV
4/27/05	50 Waterside Dr. SE, Cartersville, GA	Single Fam Home; Deed
9/11/09	56 Maple View Ct., Dallas, GA	Single Fam Home; Deed