

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

#K11-131

Date Opened: 10/25/11

Date Closed: 11/1/11

Investigator: Sylvia Batista

On October 25, 2011, this investigator received a telephone call from a source who provided information regarding the Town of Miami Lakes Planning and Zoning (P&Z) meeting held on 10/18/11. Source explained that a P&Z board member, Carol Wyllie (Wyllie), may have had a conflict when she discussed and voted on an application for variance filed on behalf of Miami Children's Hospital (MCH). The source explained that Wyllie is one of the owners of The Graham Companies which owns most of the commercial land in Miami Lakes.

According to source, Wyllie brought Baptist Hospital to Miami Lakes and it is one of The Graham Companies biggest tenants. Source advised that the only item on the agenda for the P&Z meeting was an application for variance filed on behalf of Miami Children's Hospital, a potential competitor of Baptist Hospital seeking to move into an adjacent property in Miami Lakes. Source added that the comments by people and town officials in the town hall area were that Wyllie should recuse herself, but she did not, and did not even ask the City Attorney whether or not she had a conflict. Source said that the

item went forward and got approved unanimously, but right before it was approved, Wyllie made a motion imposing a condition that MCH must limit itself to pediatrics. Wyllie also set the condition that any other hospital that treats adults and wishes to move into the MCH facility must come before the P&Z board for a new variance.

Source said that Wyllie had a conflict when she participated in the meeting because she has a direct financial interest in keeping Baptist Hospital competitors away from Miami Lakes. Wyllie made the amendment in order to prevent competition with Baptist Hospital.

The COE's issue relates to a violation of the Conflict of Interest and Code of Ethics Ordinance Section 2-11.1(n) *Actions prohibited when financial interests involved*, which states in pertinent part: "[n]o [autonomous personnel] shall participate in any official action directly or indirectly affecting a business in which [s]he or any family member of [her] immediate family has a financial interest."

Investigation:

Research conducted by this investigator reveals that Wyllie is an officer and director of The Graham Companies.

This investigator reviewed the tape of the P&Z meeting and heard the comments made by Wyllie prior to the vote. The following is a verbatim account of Wyllie's proposed amendment to the motion to approve the variance:

WYLLIE: I am in favor of the application, but I do have one request and I assume there won't be a problem—the conditional uses for MCH. I'd like it to state specifically so that you couldn't go sell it to say Memorial Hospital or somebody like that. I know you all's field of business is very competitive and if it was Memorial Hospital Systems here tonight this room would be full of a lot of doctors and people from the area so I think you all stand in a category of your own, but if it became a more of a general facility there may be a little more political interest in the application.

MCH: We would certainly accept the condition that would include that any new operation of MCH would be for children. . .

WYLLIE: Yes, basically that it would be for a pediatric facility and not something that is open to the public of all ages. That is really the issue that could become a problem for other folks in you all's field.

Motion passes unanimously and Wyllie's amendment is included as requested.

Conclusion:

Wyllie's vote does not directly or indirectly affect The Graham Companies. Wyllie's vote in this matter only affects MCH, with which she has no business relationship. Her vote may tangentially affect Baptist Hospital, which is a tenant of The Graham Companies but any benefit or detriment to Baptist is too attenuated and speculative to create a voting conflict. Further, even if her vote would result in a clearly defined benefit or detriment to Baptist Hospital, she does not have the requisite financial interest in Baptist to result in a voting conflict. For these reasons, no further action will be taken by the COE on this matter.