

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K 11-133

Date Opened: October 27, 2011

Date Closed: June 22, 2012

Name of investigators: Breno Penichet and Kennedy Rosario

This Investigation was predicated on information received from the City Attorney of Sunny Isles Beach, Florida, alleging that the Assistant City Manager solicited money from vendors in violation of City of Sunny Isles Beach, and Miami-Dade County Conflict of Interest and Code of Ethics Ordinances.

Investigation:

COE Investigators reviewed the documents provided by Hans Ottinot (Ottinot), City Attorney for Sunny Isles Beach. The documents included a report of investigation conducted by outside council Holland & Knight, LLP and Susan M. Nix and Consultants.

The report that was provided included interviews of the following individuals:

- Interview of Warren Stamm (Stamm), Dezer Development in-house counsel.
- Interview of Ranaan Katz (Katz) of RK and Associates.
- Interview of Gil Dezer (Dezer) of Dezer Development.
- Interview of Jorge Vera (Vera) Assistant City Manager Sunny Isles Beach. (Statement was taped.)

In the course of this investigation, the following documents were reviewed:

- Copies of three (3) cancelled checks drawn on the Colonial Bank Account of “Royale Florida Enterprises, Inc.,” provided by Stamm.
- Check No. 3960, dated July 11, 2007, in the amount of \$2,500, made payable to “Debbie Gutierrez,” Vera’s step-daughter.
- Check No. 5997, dated June 10, 2009, in the amount of \$1,500, made payable to “Debbie Gutierrez.”
- Check No. 6443, dated October 13, 2009, in the amount of \$1,000, made payable to “Debbie Gutierrez.”
- Investigators also reviewed documents provided by Stamm which included letters, photos, and certificates which purport to substantiate the alleged charitable purpose for the solicitation of the contributions. The reason Vera approached the above mentioned persons was to solicit contributions to help his brother-in law who was dying of cancer in Nicaragua. The money was going to be used for his medical treatments and living expenses.

COE Investigators contacted Ottinot and requested copies of the recorded statement, any other paperwork in the file that we can review, and the contact information for Michael Prendergast (Prendergast) and Susan M. Nix (Nix).

COE Investigators Rosario and Penichet interviewed Elisa Vera (Ms. Vera), Senior Planner, City of Doral, Florida. Ms. Vera is the wife of Jorge Vera and the sister of the person on whose behalf the money was being collected (Ezequiel Caracas Siero).

Ms. Vera advised that she collected money for her brother at her place of employment, in fact, her co-workers collected money in the name of her brother and give it to her for his treatment. Ms. Vera advised that this was done out in the open; everyone participated, and there were radio stations involved and public funds raisers at different events. Ms. Vera said that all the monies collected were

sent to Nicaragua in order to cover her brother's expenses. The money was sent down via courier - "Nicaragua Delivery"¹.

Ms. Vera advised that because of the currency exchange the money would be sent there cash, the money was deposited into her daughter's account and then the cash was given to the courier who would transport it to Nicaragua. She stated that the total monies received may have been \$7,000 to \$9,000 dollars. Prior to that money coming in, the family was paying all the bills and this was putting a great financial burden on all.

COE Investigators Rosario and Penichet interviewed Vera concerning the allegations made by the officials at the City. Vera advised that his brother in law became very ill sometime in 2007. The family was trying to pay as much of the costs as possible but soon it became apparent that it would become necessary to find other funding sources. Vera advised that his wife began receiving contributions from fellow workers and they started to collect money at different venues. Vera advised that he spoke to his boss Christopher Ruzzo about this matter and then assistant City Attorney Lynn Dannheisser. Vera advised he also spoke to the Mayor, but never advised them that he was going to solicit money from city vendors. He said that he received money from Gil Dezer d/b/a Dezer Development and he Vera solicited contributions from other vendors, but did not receive any money.

Vera advised the reason the checks were deposited in his step-daughter's account was because it was open and available and the monies would not be there very long before they would be sent down to Nicaragua.

Vera said that he did not discuss this matter with any city official, and did not disclose it because he felt that it was a charitable contribution they were making to his brother-in law and since he was not keeping any of the money there was no need to disclose it.

Vera advised that when the investigation revealed the act and he was confronted, he admitted to it and was given a choice of being fired or resigning he chose to resign. Vera advised that all the monies collected were sent to Nicaragua for his brother in law's treatment.

¹ This was explained to be an underground method of transporting funds back to Nicaragua rather than relying on conventional methods like Western Union.

Conclusion:

This case was discussed with the Advocate and, after his review, it was determined that since there was no evidence that Vera profited from the solicitations and was forced to resign his position with the City, this matter should be closed out with no further action.

