

# MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



## REPORT OF INVESTIGATION

K13-009

Date Opened: 01/16/13

Date Closed: 02/08/13

Investigators: Sylvia Batista

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On or about 01/16/13, the COE received information from Elizabeth Veliz (Veliz) of Progressive Intermodal, involving her request to obtain a Business Tax Receipt (BTR) from the Town of Medley (the Town), for the property located at 7601 N.W. 72<sup>nd</sup> Avenue (the Property). Veliz explained that early last year, she signed a lease for the Property where she planned to start a trucking business. Veliz said that she placed a \$25,000 security deposit on the Property, which she intended to lease with an option to buy. Veliz explained that, at the time, her realtor made inquiries with the Town and was advised that she would not have any difficulty in getting a BTR at the Property. Veliz said that her request for the BTR was denied by Town Attorney Michael Pizzi (Pizzi) on 04/05/12.

Veliz advised that she recently learned that a businessman who lives in Miami Lakes named Alberto Bello (Bello) received a Certificate of Use (COU) and BTR for the Property. Veliz advised that Bello's anticipated use of the Property was also a trucking

business. Veliz said that Bello and his family reside in Miami Lakes and are known to Pizzi, who is that Town's Mayor.

Veliz said that she finds it questionable that her BTR was denied and Bello's BTR was approved for the same use as her own company.

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

**Investigation:**

A review of Pizzi's campaign treasurer reports list 8 contributors to Pizzi's mayoral race with the last name of "Bello." One of the contributors is Alberto N. Bello, who is the person that was issued the BTR and COU. Among the contributors, Silvia Bello and Lysa Marie Bello, reside at the same address as Alberto N. Bello. Each contribution was for the sum of \$250.00.

**02/04/13** - A review of the documents produced by the Town in response to the COE's public records request reflect that Alberto N. Bello (Bello) applied for a BTR and COU at the Property and was issued same on 09/19/12. The planned use of the property is a trucking business.

The minutes of a Town Council meeting held on 09/04/12 reflect that Bello argued in support of his request stating that he and his family own two trucking businesses in the Town, which they have operated for over thirty (30) years. Bello added that he plans on moving his trucking business to the Property and make the Property his main location where they will have an office, parking and maintenance for approximately forty-six (46) trucks. Bello said that by moving his business to the Property, he will alleviate traffic on

N.W. South River Drive, which is where he operates his trucking business at the present time.

Bello said that he is purchasing the Property and will do improvements to the Property to bring it up to code as he has done to the other properties that he owns in the Town. Councilperson Martell inquired whether Bello's business had anything different to present from the business which was recently denied a BTR at the Property for the same type of business. Bello responded that the difference is that he has been in business in the Town for over twenty-five (25) years, he has improved all the properties he owns, his business is already in Medley and his trucks are part of the traffic on N.W. South River Drive. Bello said that he has forty-six (46) trucks and would agree to not having more than 46 trucks without permission from the Town Council. Bello agreed to move all of his trucks from his N.W. South River Drive location to the Property, and pay for a traffic study of N.W. 72<sup>nd</sup> Avenue to find solutions to its traffic problems. Lastly, Bello agreed to make all the improvements to the Property as recommended by Town staff, and post a \$10,000 bond which he would forfeit should he fail to comply with any of the terms of the approval.

The Town voted in favor of issuing Bello's BTR and COU subject to the aforementioned terms and conditions.

**02/06/13** - Veliz's request for a BTR was denied by Pizzi on 04/05/12 which denial was discussed at the 05/07/12 Town Council meeting. In his memorandum to the Mayor and Town Council, Pizzi recommended denial to Veliz's request due to the number of trucks, location, parking problems, traffic concerns on surrounding roads and impact on the surrounding community. A review of the minutes reflect that Veliz was planning to

operate a trucking business at the Property which would accommodate 100 trucks, most of which would be independently owned. Town engineer, Jorge E. Corzo (Corzo), stated in his 04/03/12 memorandum to Pizzi that at the pre-application meeting Veliz indicated that she planned to operate a trucking storage and maintenance facility that would accommodate up to 100 corporate and owner-operated trucks at any given time. Corzo recommended denial of Veliz's request for the BTR because the proposed use of her business is not compatible with the site due to the traffic impact, lack of adequate turning lanes into the site, limited access to the site due to its proximity to the FEC railroad crossing, and incompatibility with the Town's plan to develop N.W. 72<sup>nd</sup> Avenue as a Business District. Pizzi's letter of denial cited the recommendations for denial of Town Staff, and the inability for Veliz to get a Certificate of Use for the current location as it does not comply with the Town Code.

Veliz's lobbyist, Tom Pila (Pila), Esq., stated that Veliz's business will have approximately forty-five (45) trucks, thirty of which will be driving cross country most of the time. Pila's argument and his offer to mitigate the matter did not dissuade the Town Council from denying Veliz's request.

**02/08/13 – Elizabeth Veliz, Progressive Intermodal, Inc. –**

Veliz was contacted by the COE investigator and asked whether she had attempted to appeal the Town's denial of her request for a BTR. Veliz explained that she did not know she could appeal the Town's decision. Veliz said that she had looked into other remedies available to her, but it would be too costly with no guarantee of success.

Veliz advised that, at the time she signed the lease, approximately one year ago, she was told by the owner of the Property that Bello had made an offer to buy the Property, but she was not going to sell the Property to him.

Veliz said that she did not at any time say that her trucking business would accommodate 100 trucks—this was a misrepresentation of facts designed to make her business less desirable than Bello's. Veliz said that her actual number of trucks is forty (40), most of which will be driving cross-country most of the time. At the Town Council meeting, she and her attorney tried to rectify this information, but the decision to deny her BTR was already made.

**Conclusion:**

It is appropriate to conclude that both applications for BTRs were for the same type of businesses, however, other differences exist between the two proposals that could justify the decisions made by the Town. With no evidence of exploitation of official position, this matter is closed without further action.