Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Karl Ross

Case No: K14-018	**Case Name:** Sandra Ruiz, Doral City Councilwoman	**Date Open:**	**Date Completed:**
Complainant(s): Felipe Madrigal	**Subject(s)**: Sandra Ruiz	Feb. 20, 2014	March 27, 2014

Allegation(s):

It was alleged Doral Councilwoman Sandra Ruiz (Ruiz) violated the Miami-Dade ethics code by exploiting her official position on behalf of a friend to encourage the settlement of a lawsuit on terms beneficial to the friend, and that she furthermore violated the ethics code by incurring in a voting conflict. The allegations were contained in a complaint filed by Felipe Madrigal.

Relevant Ordinances:

Miami-Dade County Code:

Sec. 2-11.1(g), Exploitation of official position prohibited, stating in applicable part that no person … "shall use or attempt to use his official position to secure special privileges or exemptions for himself or others …"

Sec. 2-11.1(z), Prohibition on participation in settlement negotiations, stating that …a [City] Commission…shall not participate in settlement negotiations of claims or lawsuits…

Sec. 2-11.1(d), Further prohibition on transacting business with the County, state in applicable part that no [City] Commissioner "shall vote on or participate in any way in any matter presented to the [City Commission] if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the [City Commissioners]: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, creditor…"

Investigation:

Interviews

On March 7, 2014, COE interviewed Doral City Attorney John Herin (Herin), who advised that his involvement in the Tony Rodriguez (Rodriguez) lawsuit against the city is minimal. He said the defense is being handled by the Florida League of Cities, which provides insurance to the city against employee lawsuits. He said the litigation is being handled by attorneys Jeff Hochman and Christopher Stearns of the Johnson & Anselmo law firm, at (954) 463-0100. He said that they could provide additional information about the role of Councilwoman Ruiz.

Herin said that Rodriguez was terminated about two years ago, ostensibly as part of a restructuring that led to the elimination of his position with the police department. He said Rodriguez claims his First Amendment rights were violated and that his dismissal was motivated by political reasons since he was identified with the Ruiz political campaign. He said Rodriguez and Ruiz are friends and have been seen socializing. He said he is not aware of any financial or business relationship between the two, despite rumors suggesting otherwise.

Herin said that Ruiz has repeatedly asked him about the status of the lawsuit, and that she instigated the "shade meeting" referenced in the complaint. He said that she has inquired about the status of motions and mediation efforts on perhaps a monthly basis, asking him questions such as: "Why is it not settling?" He said he interprets her line of questioning to suggest she favors a settlement, which could potentially benefit Rodriguez and Rodriguez's attorneys, who could have their fees paid by the League of Cities as a result. He said that does not know whether Ruiz referred Rodriguez's attorneys, noting there are rumors to this effect.

Herin said it was the City that decided to depose Rodriguez since it was the plaintiff who stated she would be a witness on his behalf. He said that the councilwoman's position is considered "adversarial" to the city's interests, creating a conflict for her since she is one of the named parties in the lawsuit affiliated with the city. He said Ruiz is a "hostile witness" since it is anticipated that her testimony would support the plaintiff, not the city.

During a follow-up conversation on March 27, 2014, Mr. Herin advised that he had reason to believe that Ruiz did share information from the closed "shade meetings" with the plaintiff and his counsel. She stated on one occasion that plaintiff's counsel told her that a summary judgment had been filed on behalf of former Mayor Bermudez. Herin said he had no way of knowing this for sure because he did not participate in any of the shade meetings.

Herin did say that, if in fact she had leaked information to opposing parties, she could be in violation of F.S. 112.318 as it relates to confidential information. He said at State Attorney General's opinion, AGO 2003-09, also addresses this topic, citing a state ethics case.

On March 27, 2014, COE contacted the law firm of Johnson & Anselmo and spoke to attorney, Michael Piper (Piper). Piper is co-counsel for the League of Cities in its representation of the city of Doral in the Rodriguez lawsuit. He stated that he had attended a recent "shade meeting" to update councilmembers as to the status of mediation attempts and a possible settlement. He said that Ruiz attended the meeting, but "she didn't lean on us to settle." He said that the councilwoman did not advocate in favor of taking any action that would benefit Rodriguez. He did say that based on the statement she provided during her deposition, he did believe that her testimony would be supportive of Rodriguez's claim that he was wrongfully terminated and that his First Amendment rights were violated. He said he would not be surprised if the councilwoman would have shared confidential information with the plaintiff, but added that he had "absolutely no evidence to support this" belief. He said that he has no knowledge of any business ties between Rodriguez and Ruiz. He said he further has no knowledge of any referral she might have made to Rodriguez to hire representation. He said that Rodriguez's law firm (Feiler & Leach) handles a lot of labor law cases.

Conclusion(s):

After consultation with attorneys representing the City it does not appear sufficient evidence exists to find that Councilwoman Ruiz violated the Miami-Dade County ethics code as it relates to the Rodriguez lawsuit. Being a friend or political ally of the plaintiff, in and of itself, would not preclude the councilwoman from participating in matters involving him. The ethics code sets a minimum standard for elected officials and others, but does not address issues in which there may be an appearance of impropriety.

Neither former Doral City Attorney Herin nor Piper, one of the private attorneys retained by the City of Doral through the League of Cities, felt Ruiz exploited her position by involving herself in the pending litigation despite her ties to Rodriguez.

They both further advised that any monetary damages that might be potentially awarded to Rodriguez would be minimal since he was hired elsewhere shortly after losing his job with the Doral Police Department, and that furthermore he is earning substantially more than he did while he was working for the city. The only issue at this point is payment of attorney fees.

The matter was turned over to the Advocate for PC determination.