



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Karl Ross

Case No.: K14-043/ C14-023	Case Name: Crespo v. Sarnoff	Date Open:	Date Completed:
Complainant(s): Al Crespo	Subject(s): Miami Comm. Mark Sarnoff	April 22, 2014	June 2, 2014

Allegation(s):

Al Crespo (Crespo) filed a complaint alleging Miami Commissioner Mark Sarnoff (Sarnoff) violated the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance by failing to report a gift in the form of a photograph of a scene from the Florida Everglades. The photograph in question was given to Sarnoff at an event sponsored by City National Bank in May 2011. City National Bank inaugurated its Brickell Banking Center at that time. Sarnoff is the district commissioner.

Relevant Ordinances:

The Miami-Dade County ethics code requires the quarterly disclosure of gifts in excess of \$100, per section (3) of the code pertaining to *Gifts* and the attendant disclosure requirements.

Investigation:

Interviews

On April 23, COE contacted Eddie Dominguez (Dominguez), Senior Vice President of Marketing, Communications and Community Relations for Community National Bank. He was asked to provide information about the value of the photograph in question. He responded the following day that the photograph was donated by photographer, Alejandro Borgese (Borgese). He said the cost to City National Bank was nothing. He provided contact information for Borgese.

On April 29, COE called the photographer Borgese, and asked him about the photo. He said it was true that he gave it to the bank. He was then asked if he could provide an approximate value for the photograph, at which point he requested any questions be submitted to him in writing. He provided his e-mail address and agreed to respond in writing. COE sent an e-mail to Borgese requesting information about the value of the photograph.

On April 29, Sarnoff returned a call to COE and was advised as to the nature of the complaint filed against him. He was told that it concerned a photograph presented to him at the grand opening of City National Bank's Brickell offices. He stated that he had no recollection of having received any such photograph or even attending the ceremony. He then asked if the location in question was at 1450 Brickell Avenue, stating he knew the owner of the building.

"I don't remember ever getting a photograph from anyone," Sarnoff said. He went on to say he typically doesn't accept gifts. "I usually don't take anything from anyone." He was told that media coverage of the event showed him being given a photo by the bank president. He agreed to review a copy of the article and related photographs, in case this might help to refresh his memory about his participation in the event and the disposition of the photo.

On May 2, COE spoke with Sarnoff, and the commissioner advised the photograph is hanging in his District 2 conference room at City Hall behind the American flag. He said he labeled the item as being "on loan" from City National Bank, and added that "I don't consider myself to be the owner of the photograph." He said the only artwork that was not labeled in this manner were items that were for sale, though he did not elaborate on how this worked.

Sarnoff said other such items received in the course of his official duties are similarly labeled. He said COE was welcome to visit his office and inspect the photograph.

On May 2, COE sent a second e-mail to photographer Borgese, requesting detail about the value of the photograph if sold in an arms' length transaction.

On May 5, COE called Borgese, who advised that he had been busy with a photo shoot, but that he promised to reply to the e-mail by the end of the day.

On May 7, Borgese advised in an e-mail that the approximate value of the photo was \$2,500, if it were to be sold to an unknown third party. He did not elaborate.

On May 16, an e-mail was sent to Sarnoff asking him to explain the difference in his reporting of a framed poster by artist Romero Britto in 2008 as opposed to his decision not to report the photograph over the Everglades he received from CNB in 2011. A follow up e-mail was sent to Sarnoff the following week, asking him to reply to the initial e-mail.

On May 29, COE spoke to Sarnoff's chief of staff, Ron Nelson (Nelson), to request an interview, by phone or in person, with the commissioner since COE had not received any response to recent e-mails. Nelson was asked about the practice of placing stickers on the lower front corner of artwork on display in the district office, and when this occurred.

Nelson advised that information about the origin of the artwork had typically been affixed to the back of most pieces in the office, though some, including the photograph in question, had stickers in the front. He said that since the complaint was made in April, a decision was made to place stickers on the front of all pieces in the office in an abundance of caution.

Nelson further advised that no stickers were placed on art work belonging to a local artist whose work was for sale. He said the pieces were used to "brighten up the waiting area," and that neither the commissioner nor anybody on his staff received any proceeds from sales.

Document/Audio/Video Review:

On May 8, COE Investigator Ross stopped by the district office of Sarnoff, and inspected the photograph in question along with other photographs, artwork and memorabilia on display in the office. The photograph – titled "Cypress Forest" – was hanging in a corner of the conference room, and was labeled as being "On Loan to" the commissioner's district office, and having been provided by City National Bank. Numerous other wall hangings were similarly tagged as being on loan to the district office from other apparent donors.

Sarnoff was asked to explain the difference in his reporting of a framed poster by artist Romero Britto in 2008 as opposed to his decision not to report the photograph over the Everglades he received from CNB in 2011. Sarnoff advised that he reported the Britto poster from 2008 because he decided to keep it as a gift, noting it hangs in his private law office.

Conclusion(s):

Report turned over to Ethics Commission Advocate for probable cause recommendation.