



**Miami-Dade Commission on Ethics & Public Trust**

**Preliminary Inquiry Report**

**Investigators:** Manuel W. Diaz

<b>Case No.:</b> PI 14-021	<b>Case Name:</b> Vallejo - Email	<b>Date Open:</b>	
<b>Complainant(s):</b> Deborah Hayden	<b>Subject(s):</b> George Vallejo	4/24/14	

**Allegation(s):**

The COE received an e-mail from a citizen, Deborah Hayden (Hayden). In her e-mail, Hayden advised that City of North Miami Beach (NMB) Mayor George Vallejo (Vallejo) e-mailed NMB Councilmember Anthony De Filippo (De Filippo). In Vallejo's e-mail he solicited support for an item that was to be discussed and voted on by the NMB City Council on April 22, 2014. The e-mail, according to Hayden, was sent to De Filippo's private e-mail address. Hayden alleged that Vallejo violated the Florida Sunshine Law by sending the e-mail.

**Relevant Ordinances:**

Florida Statute 286.011, Florida Sunshine Law

**Investigation:**

**Interviews**

**Anthony De Fillipo** (De Fillipo), NMB Councilperson

De Fillipo was contacted. He confirmed that Vallejo sent an e-mail to his personal e-mail account to solicit support for an item that was to appear before the NMB City Council on April 22, 1014. De Fillipo advised that he did not respond to the e-mail, realizing that it may be a violation of the Sunshine law to do so. De Fillipo called Vallejo and requested that Vallejo not use his (De Fillipo's) personal e-mail in the future. Vallejo agreed to remove De Fillipo's personal e-mail address.

**Jorge Vallejo** (Vallejo), NMB Mayor

Vallejo was interviewed. He confirmed that he sent out the e-mail referred to by Hayden in her complaint to a number of residents. He sent it out as a blanket e-mail to as many as 500 emails on his mailing list. Vallejo explained that De Fillipo's personal e-mail was in his citizen's database prior to De Fillipo's election to the NMB Council. Vallejo had sent out a "blitz" e-mail to all the addresses on his mailing list without first checking whose e-mails were in the data base.

Vallejo stated he had no intention of communicating directly with De Fillipo. De Fillipo's personal e-mail was included in his mailing list. He did not receive a return reply to his e-mail from De Fillipo.

De Fillipo was re-contacted and advised that he must file a copy of the e-mail with the NMB Clerk's Office as a public record. He agreed. A copy of De Fillipo's email to the City Clerk has been included in the investigative file.

**Pamela Lattimore** (Lattimore) – North Miami Beach City Clerk

Lattimore was contacted. She confirmed that Vallejo's e-mail was received and recorded.

**Documents reviewed**

Vallejo e-mail.

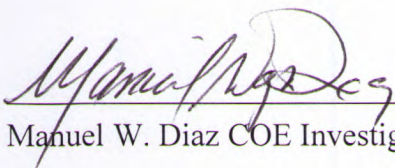
The e-mail is directed to "Tony" (De Fillipo's first name). The e-mail seems to be general in nature not specifically directed to any one person. The e-mail ends with the salutation "Best regards." (Copy in file)

**Conclusion:**

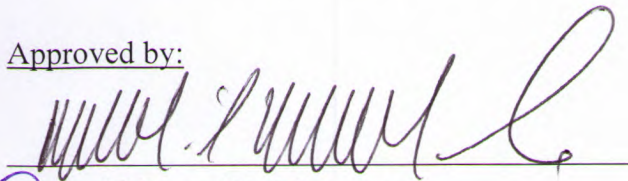
The Sunshine law extends to discussions and deliberations between two or more members of a public board. Florida Attorney general opinion 07-35 opined that a city commissioner may send documents that the commissioner wishes other members of the commission to consider on matters coming before the commission for official action provided there is no response from or interaction related to such documents among the commissioners prior to the public meeting and the e-mail is filed with the board clerk as a public record. There is no evidence to suggest that Vallejo and De Fillipo engaged in any oral discussion of the matter mentioned in the flyer and the sending of the flyer to De Fillipo's personal e-mail account appears to have been inadvertent.

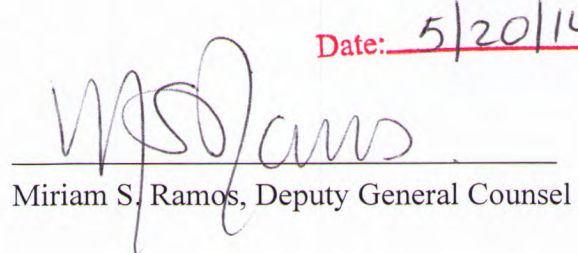
There does not appear to be an intentional violation of the Sunshine law. This matter should be closed with no further action in as much as there appears to have been no consequences of the contact and the individuals have been appropriately warned to refrain from such contact. Although sending memoranda to one official from another without any response or interaction may not constitute a Sunshine law violation, the practice of doing so should be discouraged as it may invite possible Sunshine law violations to occur.

**CASE  
CLOSED**

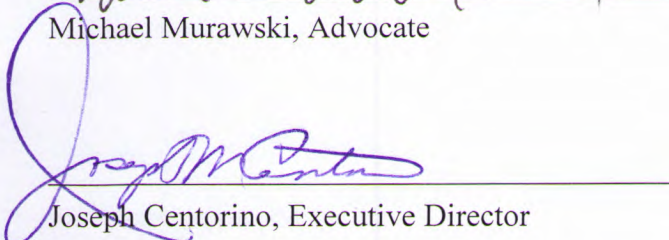
  
Manuel W. Diaz COE Investigator

Approved by:

  
Michael Murawski, Advocate

  
Miriam S. Ramos, Deputy General Counsel

Date: 5/20/14

  
Joseph Centorino, Executive Director

5/20/14  
Date