



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Karl Ross

Case PI15-054	Case Name: Jonathan Martinez	Date Open: CASE	Date Closed: CASE
Complainant(s):	Subject(s): Jonathan Martinez, Mayor's Liaison, City of Hialeah Community Development Dept.	Dec. 8, 2015	CLOSED Date: <u>11/29/2016</u>

Allegation(s):

Questions were raised about possible exploitation and conflicting employment by Jonathan Martinez, the mayor's liaison to the City of Hialeah Community Development Department.

In particular, questions were raised about Martinez's participation in the 2015 political campaigns of councilmembers Jose Caragol and Vivian Casals-Munoz, and whether he requested or received authorization for such outside employment.

A review of his outside employment status raised further questions as to whether his reported employment with A.E.M. Planning and Design Consulting, a firm headed by the city's former principal planner, created any potential conflicts under the ethics code.

Relevant Ordinances:

The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1, states in applicable parts (j) and (k) that, as per subsection (j) titled *Conflicting employment prohibited*, "No person ... shall accept other employment that would impair his or her independence of judgment in the performance of his or her public duties," and that, as per subsection (k) titled *Prohibition on Outside Employment*, all full-time municipal employees engaged in outside employment "shall, file under oath, an annual report indicating the source of outside employment, the nature of the work being done pursuant to same and any amount or type of money or other consideration received by the employee for said outside employment."

Investigation:

Interviews

Vivian Casals-Munoz, councilwoman
City of Hialeah, FL
Jan. 15, 2016

During an interview at COE, Councilwoman Casals-Munoz advised that Jonathan Martinez “was the one who prepared the signs. He would go in the evening and build the signs in a warehouse, and then he would go out and put them up.” She added that Martinez did the same for the Councilman Jose Caragol re-election campaign, as well.

COE requested copies of all receipts for reimbursements provided to Martinez from Casals-Munoz’s political campaign, and she stated she would make copies of her records.

A request for such records was further requested through the city attorney, Lorena Bravo, who indicated she had discussed the matter with the councilwoman.

Lorena Bravo, city attorney
City of Hialeah, FL
Jan. 29, 2016

Ms. Bravo called to advise that she had been approached by Councilwoman Casals-Munoz after Wednesday’s city council meeting to ask about ethics matters – among them a request for records from her political campaign relating to reimbursements paid to Martinez.

After discussing this and other issues with Bravo, Bravo indicated she would talk to Casals-Munoz and also Councilman Jose Caragol, and advise them to provide copies of the requested campaign records relating to payments to Martinez for the preparation of signs.

Bravo further advised that she would inquire with the city’s building department to see if any applications or plans submitted by A.E.M. Planning and Design Consultants could be found for the years 2012, 2013, 2014 in the department’s database.

Lorena Bravo, city attorney
City of Hialeah, FL
Feb. 22, 2016

Ms. Bravo advised that she had obtained copies of the requested campaign finance records from Councilman Caragol, but that Councilwoman Casals-Munoz had refused to provide the requested copies of her campaign records absent a subpoena.

She indicated that the records from Councilman Caragol were available for pick-up, and that COE should address the issue with Councilwoman Casals-Munoz if necessary.

Ms. Bravo further said she had discussed the request for information about any building applications involving A.E.M. Planning and Design Consulting, and advised that any plans prepared by A.E.M. would be filed under the applicant's name and not the planner; therefore, there would be no simple way to retrieve any such applications electronically.

Ms. Bravo said the applications would have to be reviewed manually.

Angel Medina, president
A.E.M. Planning and Design Consulting
Feb. 23, 2016

Mr. Medina was interviewed at this home office at 1260 NW 161st Ave. in Pembroke Pines, and advised that his business never employed Jonathan Martinez.

Medina stated that he knew Martinez and that Martinez had made a couple of referrals to him for builders looking for someone to help with planning and zoning matters. He said neither of the referrals led to anything concrete and that no referral fee was paid or requested. "He (Martinez) referred a couple of small jobs, but nothing ever worked out," he said.

Medina was shown copies of Martinez's outside employment request forms for 2012 and 2013 indicating that he was employed by his firm and he stated he had no knowledge of this, and could not understand why Martinez had done so. He said no 1099 was ever issued.

Medina said he does have projects on occasion in Hialeah, but added that he is cautious about personally appearing on behalf of clients there because of his past employment.

Document/Audio/Video Review:

On Feb. 23, 2016, records were obtained from the city attorney's office provided by the Jose Caragol political campaign and were reviewed for evidence of possible exploitation – i.e., campaign work performed during regular business hours.

The records showed that between Sept. 13, 2015, and Nov. 3, 2015 (Election Day), Martinez made approximately 36 purchases of gas, food, building materials, sound equipment and/or other supplies for the Caragol political campaign, and that for all but a handful of these the transactions were made on weekends or after normal business hours.

The remaining transactions either involved the purchase of gas – such as a charge for \$53.75 at the RaceTrac at NW 57th Avenue on Sept. 25, 2015, at 2:27 p.m. – or minor items – such as the purchase of a doormat and cashews totaling \$12.69 at the Family Dollar store on Sept. 22, 2015, at 4:30 p.m. Any other purchases during business hours were made during the normal lunch hour of 12 to 1 p.m. – such as a food purchase on Election Day, records show.

Campaign Treasurer's Reports were reviewed for the political campaigns of Councilman Jose Caragol and Councilwoman Vivian Casals-Munoz for the 2015 election cycle.

The Casals-Munoz campaign records reflect \$1,000 in wages paid to Martinez as a "campaign worker," along with about \$400 in reimbursements for materials.

The Caragol campaign records reflect about \$1,500 in payments to Martinez but characterized those payments as reimbursements for the purchase of supplies and not wages.

Conclusion(s):

The findings suggest that, with one or two possible exceptions, the campaign-related work performed by Martinez on the 2015 political campaigns of city councilmembers Casals-Munoz and Caragol occurred after regular working hours, or during the subject's lunch break.

Where Martinez may have a potential violation of the ethics code relates to his apparent failure to disclose earnings from outside employment for work on said campaigns. CTRs show that Martinez was a paid \$1,000 by the Casals- Munoz political campaign, and the subject's corresponding financial disclosure form does not report this income.

A Statement of Financial Interests (Form 1) obtained from the city clerk's office for calendar year 2015 lists the City of Hialeah as his primary source of income. The form was filed on July 1, 2016. The form identifies his job title as Community Development Administrative Officer and does not mention any campaign-related duties or resulting income.

It should also be noted Martinez's 2015 request for outside employment does not mention any prospective campaign work, but does request authorization to work as an Uber driver with Uber South Florida. He did not reference any earnings from Uber in his 2015 Form 1 either (even if he didn't have any income), another possible violation of the ethics code.

Yet another possible infraction is that Martinez apparently failed to file a financial statement for calendar year 2013 (due by July 1, 2014) when the subject had requested permission for outside employment that year at A.E.M. Planning and Design Consulting.

Even though Martinez apparently did not earn any income from A.E.M. and A.E.M.'s principal stated he was unaware of any such arrangement, Martinez would still be required to file a financial disclosure noting that he did not have any outside income that year.

Martinez has been invited through the Office of the Hialeah City Attorney to appear for an interview or provide additional information relating to the apparent reporting violations noted above. The city attorney's office was provided with a summary of the findings.

On Nov. 16, after repeated efforts to contact him by email or through the City Attorney's Office, Martinez advised during a telephone interview that he did not report income for any of the three outside employers because, in all cases, his earnings were less than \$2,500, which he

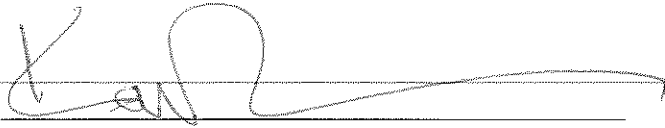
says puts him below the reporting threshold per the state guidelines.

Martinez stated he was willing to file the incomplete or missing disclosures if this is just a ministerial matter and that doing so would put him in compliance. He noted he did not have any income from A.E.M. Planning and Design Consulting in 2013, but that he did earn \$550 working for Uber and another \$1,400 from the Casals-Munoz campaign in 2015.

After consulting the Ethics Advocate, it was determined that Mr. Martinez “reasonably relied” upon the directions on the back of the state-issued Form 1, but that he was also required to report earnings below the \$2,500 threshold in his Outside Employment Statement forms. The forms are required to be filed annually with the Miami-Dade Elections Department.

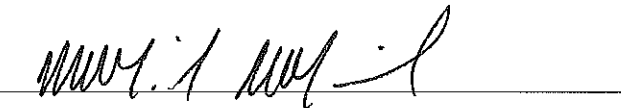
On Nov. 21, Martinez provided copies of missing Form 1s, time-stamped by the City Clerk’s Office, along with required financially disclosure forms for the years 2013, 2014, and 2015, showing his previously unreported earnings with Uber and the Casals-Munoz campaign.

Accordingly, it was decided this matter should be closed without further action.

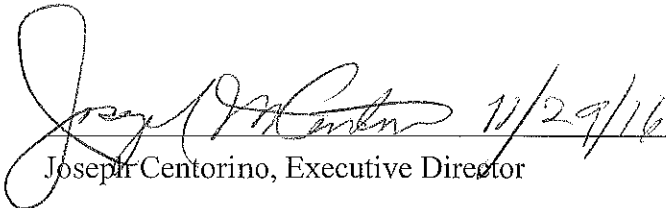


Karl Ross, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director