



**CASE  
CLOSED**

Date: 4-15-2019

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

**Report of Investigation**

**Investigator:** Robert Steinback and Susannah Nesmith

<b>Case:</b> PI16-047	<b>Case Name:</b> Hialeah Housing Authority	<b><u>Date Open:</u></b> October 21, 2016	<b><u>Date Closed:</u></b> April 8, 2019
<b>Complainant(s):</b> Anonymous	<b>Subject(s):</b> Yadis Cabrera, Julio Ponce, Yosselin Oliva,		

**Allegation(s):**

Anonymous caller states that Yadis Cabrera, the director of the William Lehman Child Day Care Center, run by the Hialeah Housing Authority, has no credentials to be in that role, and also was responsible for hiring her mother-in-law, Justa Clara Franco, to work there.

Caller also alleges that another supervisor there, Yosselin Oliva, hired her mother, Miriam Pinero, to work in the kitchen.

Caller also alleges that the director, Julio Ponce, used his leverage to get affordable housing for Pinero and Cabrera's secretary, Marice Chamizo, allowing them to jump ahead of others on the waiting list.

**Relevant Law:**

FS112.313 (6) Standards of conduct for public officers, employees of agencies, and local government attorneys. (Misuse of public position.)

FS112.3135 Restriction on employment of relatives

FS421.04 Creation of Housing Authorities

FS1.01 (8) Definition of “public body,” “body politic” and “political subdivision” includes

**Investigation:**

***Interviews:***

On March 21, 2017, Investigator Steinback met with Ponce, HHA attorney Nicole Bates and HHA HR Director Jose Martinez.

In the interview he confirmed that Chamizo and Pinero both live in HHA apartments. Chamizo is in an unsubsidized unit in the Palm Center building. Steinback was originally told that Pinero was also in an unsubsidized unit, but further investigation found that she is in a unit designated affordable, with a lower rent, because of her income.

Her unit is called a HODAG unit, though the Authority is no longer bound by the long-ago HODAG program run by the federal Department of Housing and Urban Development.

Pinero is Oliva’s mother and Franco is Cabrera’s mother-in-law.

On Oct. 4, 2017, investigator Nesmith met with Nicole Bates, the attorney for the Hialeah Housing Authority. She explained that the HHA is not part of the city of Hialeah and that it is “like a private corporation,” and thus, in her opinion, not bound by the city’s ethics ordinance, the county’s ethics ordinance or the state’s nepotism law. She also termed it a special district and a public body corporate.

Bates confirmed that Oliva and Cabrera both sign off on the evaluations for both Franco and Pinero.

She also said that the Palm Center building is run as a private company, not subject to state nepotism laws and that the waiting list for the building is not followed because people can come in off the street and ask about apartments and if one is available, they’ll be allowed to rent it.

She could not explain why people who filled out applications for apartments in the building were told in writing that they were being put on a waiting list. She said the waiting lists that were provided for Palm Center and for the HODAG program were up to date as of the date they were printed and that people on the waiting list who got apartments were taken off the list at that time.

**Document(s) Reviewed:**

The Florida Department of Economic Opportunity special district listing for the Hialeah Housing Authority. HHA is considered a dependent special district under the local governing authority of the city of Hialeah.

Miami-Dade Commission on Ethics RQO 07-21 opining that a city ordinance did not apply to the Housing Authority of the City of Miami Beach because HACMB is "an independent subdivision of the State, not part of City government."

The Palm Center Application of Marice Chamizo, dated 4/19/16.

The HODAG Application of Miriam Pinero, dated 4/25/14.

The HODAG waiting list, as of Aug. 23, 2017 - the list only contains applicants from 2010 and 2011.

The Palm Center waiting list going back to 2014, also as of Aug. 23, 2017.

A spreadsheet of the employees involved and their dates of hire, provided by the Hialeah Housing Authority.

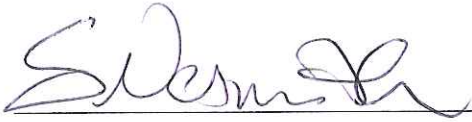
The Hialeah Housing Authority policy for HODAG housing, allowing the authority to take someone off of a Section 8 or public housing waiting list and transfer that person to HODAG housing.

The most recent inspection report of the daycare center, dated Aug. 29, 2017 and showing that it was in compliance with all applicable Department of Children and Families regulations, including supervision requirements. Cabrera is listed as the recipient of the inspection report.

**Conclusion:**

The Hialeah Housing Authority is a state entity, and thus, the Miami-Dade Commission on Ethics and Public Trust does not have jurisdiction. The complaint and relevant documentation will be forwarded to the Florida Commission on Ethics along with a sworn complaint.

The allegation that the daycare director is not properly licensed would not fall under the jurisdiction of the Miami-Dade Commission on Ethics and Public Trust if it were true, but instead the Department of Children and Families. DCF records show the daycare is in compliance with all applicable regulations, however.



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Susannah Nesmith, COE Investigator



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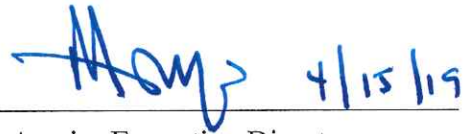
Robert Steinback

Approved by:



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Michael Murawski, Advocate



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Jose Arrojo, Executive Director