

**Miami-Dade Commission on Ethics & Public Trust**  
**Report of Inquiry**

**Investigator: Sylvia Batista**

<b>Case:</b>	<b>Case Name:</b>	<b><u>Date Opened:</u></b>	<b><u>Closed</u></b>
PI18-12	City of Miami Beach Commissioner Michael Gongora		
<b>Complainant(s):</b>	<b>Subject(s):</b>	<b>03/07/18</b>	<b>CASE</b>
N/A	Coordinate presentation re. 40-year certification process and handling Miami Beach Building, Code & Fire violations.	<b>CLOSED</b>	<b>CLOSED</b>
		Date: <u>4/4/18</u>	

**Allegation(s):**

The COE received anonymous information regarding an event presented by City of Miami Beach Commissioner Michael Gongora (Gongora). The presentation was titled "Condominium Do's and Don'ts of the 40 Year Certification Process and Handling Miami Beach Fire & Code Violations (the "presentation"). The presentation was initially scheduled to be held at Miami Beach City Hall, but the venue was subsequently changed to the Miami Beach Regional Library due to the interest expressed by the public. Commissioner Gongora invited the Interim Building Director/Building Official Ana Salgueiro, Miami Beach Code Compliance Director Hernan Cardeno and Miami Beach Fire Division Chief Juan Meizoso as co-speakers.

The COE will initiate a preliminary inquiry to determine whether a violation of the Conflict of Interest and Code of Ethics Ordinance has taken place.

**Relevant Laws:**

The Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1(g) Exploitation of official position prohibited.

No person included in the terms defined in Subsections (b) (1) through (6) and (b) (13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

**Interviews:**

**03/14/18 – City Manager Jimmy Morales –**

Jimmy Morales replied to an e-mail from this Investigator stating that Gongora organized the event and all arrangements were handled by his office. Morales confirmed that Gongora had invited certain City officials to be present to answer questions.

**03/15/18 – Commissioner Michael Gongora -**

Gongora contacted this Investigator and informed that the presentation had taken place the previous day (03/14/18) at the Miami Beach Regional Library. Gongora said that it is hard to say whether he organized the presentation in his capacity as Commissioner or private attorney, but it was a non-City sponsored event.

Gongora said that he originally reserved the first floor conference room at City Hall, but the room proved to be too small. He opted not to use City resources. No fee was charged for the presentation. It was a complimentary community service to provide condominium directors information on how to deal with City violations. He got a written legal opinion from the City Attorney who said it was okay for him to do it (Copy in file). Gongora said that he thought this presentation was non-controversial.

**03/15/18 - Hernan Cardeno, Code Compliance Director  
(305) 673-7555**

Hernan Cardeno (Cardeno) was a guest speaker at the presentation. He doesn't know how the idea came about. Two or three weeks ago, Gongora asked to meet him for breakfast. Gongora was making the rounds meeting department directors and becoming reacquainted with departments. During the breakfast, Gongora asked him about it. Gongora told him, "I'm holding an event on the 40 year certification issue." Cardeno told him I don't know anything about it. Gongora said that they're having a Q&A and Virgil, who is the Fire Chief, and Ana the Building official will be there. Gongora told him it was going to be at City Hall. Later on Diana, Gongora's aide called him and said Michael told me he spoke to you that you are going to be on the panel. She told him the date and time. He asked her to send him a meeting invite. Gongora said it would be general code questions.

The attendees had quite a few questions for him. If you have a certification outstanding you will receive a citation. A chief code compliance officer out of the Building Department just enforces the building code. His department issues the fines.

The location of the event was changed because he may have needed a larger space. He is aware that an e-mail with a complaint was circulating. Cardeno said he saw that the announcement reflected that the event was being presented by Becker & Poliakoff. He did not see any e-mail or announcement on the subject matter where it identified Gongora as a City Commissioner.

Cardeno said he told Jimmy Morales about the event. The audience was comprised of real estate professionals and property managers. He talked to Morales who said they've done this kind of thing before. Cardeno is a lawyer and maintains his police status. He is very careful about this type of thing. Morales gave him approval to take part in the event. Cardeno said he will send the COE a string of e-mails reflecting that the manager approved his participation in the event. When he spoke to Morales after he said yes, Cardeno checked to make sure that it was okay. Suzy told him that Diana called and reserved the room.

There were 7 rows on each side of the meeting room at the library and they were full. There were 75 or 77 people in attendance. Attendees will get CEUs which is credit to maintain their license. Cardeno provided photos of the event posted on Facebook.

**03/20/18 - Ana Salgueiro, Interim Building Director  
(305) 673-7610 Ext. 6587**

Salgueiro said that she participated in the presentation after someone called her about it. The call may have come from the Commissioner or someone from his office asking her to set aside time for the event. She was told that the presentation would be on the topic of the 40-year certification process. They said that there was no need to prepare anything. That it would be a Q&A on the certification process. Salgueiro said that she got an e-mail with the agenda on the morning of the event.

Salgueiro said that she has never been on a panel regarding the 40-year certification. She has only been with the City for 11 months. Salgueiro said that her department (building) does the 40-year certification. The building department also cites the building managers when they do

not pass the inspections done to re-certify.

Salgueiro said that Gongora did not mention his law practice. The name of his law firm was visible on the folder. Most of the attendees were managers of condominium associations. Rosa de la Camara of Becker and Poliakoff was there to provide legal guidance. The legal information included things like making sure to get multiple bids on projects. They talked about deficiencies and how lack of building maintenance causes major work later.

Salgueiro said that the panel was made up of someone from fire, code compliance, building and legal. Questions on various aspects of the 40-year certification were bounced around. The presentation was certified for continuing education for people in property management licenses. Most attendees were property managers from the buildings.

Fire Chief Juan Meizoso of the Fire Department was brought in to discuss not so much the 40-year certification but fire issues having to do with the balconies. They discussed how balconies are related to the 40-year certification. It is a new requirement on old buildings. The requirement is in the fire code. People were very interested.

The presentation was well received. The event was originally set to be held in the community room and ended up being in the public library. There was a good turnout.

**03/22/18 – Diana Fontani Martinez, Commission Aide –**

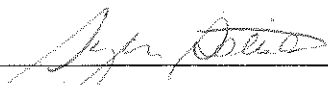
Diana Fontani said that she was not involved in the planning of the event. It was planned by Gongora's law office. To her knowledge the event was not promoted on the City's website.

**Document Review:**

03/05/18 – Legal Opinion provided to Gongora by City Attorney Aleksandr Boksner advising that there were “no legal issues or ethical challenges that arise” based upon Gongora's professional involvement in the non-City sponsored event.


**Conclusion:**

After discussion with the Ethics Advocate it was determined that there was no indication that Gongora violated any portion of the Conflict of Interest and Code of Ethics ordinance and he relied in good faith on the opinion of the Assistant City Attorney. Wherefore this matter should be closed with no further action.

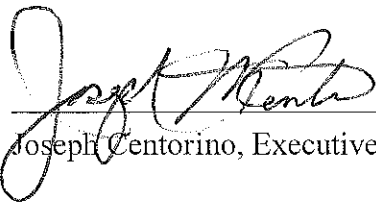
  
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Sylvia Batista, COE Investigator

Date: 4/5/18

Approved by:

  
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Michael Murawski, Advocate

Date: 4/4/18

  
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Joseph Centorino, Executive Director

Date: 4/4/18