



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

Investigator: Sylvia Batista

Case: PI18-039	Case Name: City of Hialeah Councilwoman Vivian Casals-Munoz,	<u>Date Opened:</u>	<u>Closed</u>
Complainant(s): Office of the Inspector General,	Subject(s): Exploitation of official position.	08/21/18	

Allegation(s):

This matter was referred to the COE by the Office of the Inspector General (OIG). In its Complaint Referral 18-0169-C, the OIG informed that they had received an anonymous complaint alleging a conflict of interest by City of Hialeah Councilwoman Vivian Casals-Munoz (Casals-Munoz). Casals-Munoz, who is employed by Hialeah Park race track (the Park) as Director of Events, is alleged to be involved in negotiations between Hialeah Park and the City of Hialeah for the use of the Park as a storm shelter. Casals-Munoz is alleged to have refused to recuse herself from the negotiations.

An inquiry was initiated by the COE to determine the validity of the allegation.

Relevant Laws:

The Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1(d) *Prohibition on transacting business with the City through a corporation, partnership or other legal entity. Voting conflicts for Commissioners.*

No person included in the terms defined in Subsections (b)(1) through (6) and (b)(9) shall enter

into any contract or transact any business through a firm, corporation, partnership or business entity in which he or any member of his immediate family has a controlling financial interest, direct or indirect, with the City or any person or agency acting for the City, and any such contract, agreement or business engagement entered in violation of this Subsection shall render the transaction voidable.

Additionally, no person included in the terms defined in subsection (b)(1) shall vote on or participate in any way in any matter presented to the City Commission if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Commission: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. Any person included in the term defined in subsection (b)(1) who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the City Commission shall absent himself or herself from the Commission meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter.

Sec. 2-11.1 (j) *Conflicting employment prohibited.*

No person included in the terms defined in subsections (b)(1) through (6) and (b) (13) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.

Interviews and Review of Records Received in reply to PRR:

08/23/18 – City of Hialeah Council President Vivian Casals-Munoz –

This investigator contacted Casals-Munoz at her office in Hialeah Park. Casals-Munoz was asked about the allegation that she was involved in negotiating a contract between the City of Hialeah and her employer, Hialeah Park, for a storm shelter. Casals-Munoz denied having any knowledge of any such negotiations saying, “I have no idea what you’re speaking of.” Casals-Munoz said that she has not heard of anything on either side (the City or the Park) involving any such negotiations. Casals-Munoz advised that she does not know if someone else is negotiating such a contract on behalf of the City.

12/07/18 – Marbelys Rubio-Fatjo, City Clerk –

The COE made a public record request directed to the City Clerk to search for all documents for storm shelter agreements.

10/30/18	E-mailed modification of the PRR requesting any records, including any agreements mentioning Hialeah Park for 2016-2018.
10/31/18	E-mail from Rubio-Fatjo to this investigator advising that a search for the term “Hialeah Park” had yielded 24,411 results.
10/31/18	E-mail from this investigator to Rubio-Fatjo asking her to add the words “storm shelter” to the search.
11/09/18	E-mail from Rubio-Fatjo to this investigator attaching a copy of the IT search results advising that they had 72 hits when they searched the terms “Hialeah Park” and “Storm shelter” for the period of 1/1/16 to 10/31/18. This investigator asked Rubio-Fatjo about the items that comprised the 72 hits and she replied that most of the hits came from our own PRR.
11/16/18	Deposit for the documents in the sum of \$15.35 was paid by the COE.

12/12/18 – Armando Rojas, Director of Emergency Management –

Rojas was asked about his knowledge of any contracts for the use of storm shelters. Rojas said that he had recently started his employment in the City and does not know anything about it but would do a search and send me anything that he finds.

Rojas provided copies of a list entitled Storm Surge Planning Zones, a map of the City and various e-mails involving the opening of shelters for the use of City residents. Hialeah Park was not listed as a possible storm shelter.

01/11/19 – Chief Patrick Flynn, Hialeah Fire Department –

Chief Flynn was contacted and asked about his knowledge of the storm shelters used by the City, and whether he had any knowledge involving the City’s use of Hialeah Park as a storm shelter.

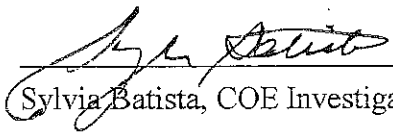
Chief Flynn said that the City has been using Miami-Dade County schools as storm shelters for years. He is not aware that there is a contract to use any other shelter, although they have encountered problems in the past with the school shelters.

When asked whether he has any knowledge regarding Hialeah Park contracting with the City to provide their facility as a storm shelter, Chief Flynn replied that he would speak to Casals-Munoz who is a City Commissioner and works at Hialeah Park.

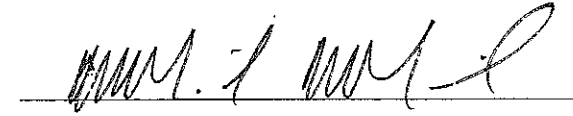
Chief Flynn was informed as to the allegation being investigated herein and replied that he did not have any knowledge of any contract of agreement with Hialeah Park. Chief Flynn explained that Hialeah Park is not a good place for a shelter and would have to be built out to be a safe shelter. Chief Flynn stated that to his knowledge there is no agreement with Hialeah Park for the use of their facility as a storm shelter.

Conclusion:

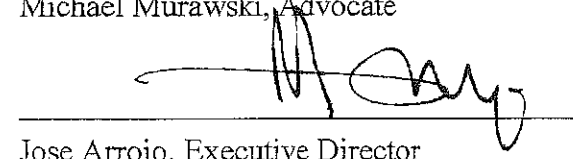
Investigation was unable to corroborate the anonymous information received by the OIG and referred to the COE. Accordingly, this matter is closed with no further action.


Sylvia Batista, COE Investigator

Date: 1/23/19


Michael Murawski, Advocate

Date: 1/23/19


Jose Arrojo, Executive Director

Date: 1/23/19