

Miami-Dade Commission on Ethics & Public Trust
Investigative Report

Investigator: Nilda Olmo

Case: PI 18-40	Case Name: John E. Alemán-City Seal	<u>Date Opened:</u> 08/20/18	
Complainant(s): Kristen Rosen Gonzalez Commissioner, City of Miami Beach	Subject(s): John E. Alemán Commissioner, City of Miami Beach	CASE CLOSED Date: <u>11/28/18</u>	

Relevant Law:

Miami-Dade County 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 subsection (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 herself 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.

Allegation:

Information received by the COE pertaining to the above-mentioned case was originated by Kristen Rosen Gonzalez (Gonzalez) via email on 08/15/18. Attached was a Miami New Times article entitled, *Miami Beach Commissioner's Endorsement of Phillip Levine Might Have Violated Florida Law*.

The article pertained to Commissioner John Elizabeth Alemán's endorsement of gubernatorial candidate Phillip Levine Levine¹ (Levine) on her personal private newsletter that included the City seal on the header. Rosen reached out to the COE regarding possible violations of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance.

¹ Philip Levine was a former Miami Beach Mayor and Florida primary democratic gubernatorial candidate.

Investigation:

In advance of the 08/28/18 and 11/06/18 Special Elections, Miami Beach City Attorney Raul J. Aguila sent out a letter dated 08/10/18 to the Mayor and members of the City Commission regarding limitations on political activities of City officers and employees. Attached to the letter was a memorandum from Miami-Dade Commission on Ethics and Public Trust Director, Joseph Centorino, detailing restrictions on political activities of the City officers and employees.

Mr. Centorino's memorandum outlined limitations on political activities imposed by Florida Statute Section 104.31 by the Miami-Dade Conflict of Interest and Code of Ethics Ordinance. Days later, an email blast using the City seal on the header of her newsletter was sent out by Alemán.

John Elizabeth Alemán, Commissioner, City of Miami Beach
1700 Convention Center Drive 4th floor
Miami Beach, FL 33139

John Elizabeth Alemán voluntarily responded to the Miami-Dade State Attorney's Office located at 1350 N.W. 12th Avenue, Miami, FL., for an interview regarding the aforementioned allegations. Present during the interview was Assistant State Attorney Isis Perez and COE Investigator Olmo. Alemán mentioned serving as Commissioner for the City since November, 2015.

Alemán indicated she authors a personal newsletter that is sent out on an e-blast email advising and updating residents on news, activities and events in the community. Having used the same database for years, she inadvertently left the banner graphic within the software in the template used in the endorsement correspondence, "It is the same common element that I always use." The header contains Alemán's photograph, her title [Miami Beach Commissioner], City skyline and the City seal.

In closing, Commissioner John Elizabeth Alemán, johnaleman@miamibeachfl.gov, Office of Mayor & Commission, 1700 Convention Center Drive, Miami Beach, FL 33139.

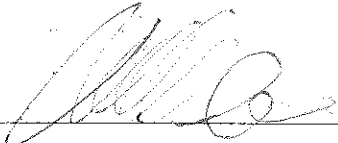
Several newsletter samples were provided. Alemán was apologetic, indicating the inadvertent mistake was an oversight that will not be repeated.

Documents & Records Review:

- Letter from Raul Aguila to Mayor and members of the City Commission regarding limitations on political activities of the City officers and employees, dated 08/10/18.
- Memorandum from Joseph Centorino, Executive Director, Miami-Dade Commission on Ethics and Public Trust, dated 07/25/18.
- Alemán's e-blast correspondence endorsing Levine.
- Aleman's previous e-blast samples: Our City Parks; Raising Our Streets; Your 4 Steps to Prep for Sea Level Rise
- Declination letter from State Attorney Katherine Fernandez-Rundle by Isis Perez.

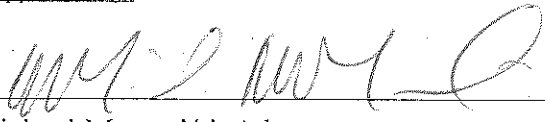
Conclusion:

After discussion with the Ethics Advocate it was determined that this matter would be closed with no further action. The evidence is insufficient to establish a knowing, intentional exploitation of official position.

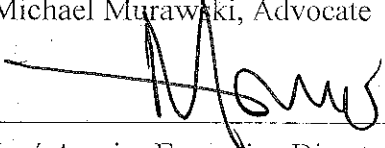


Nilda Olmo, COE Investigator

Approved by:



Michael Murawski, Advocate



José Arrojo, Executive Director

Date: _____

11/28/18