

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

**Investigator: Nilda Olmo**

<b>Case:</b> PI 18-46	<b>Case Name:</b> Lugo-Voting Conflict-Bayfront Park Management Trust (BPMT)	<b><u>Date Opened:</u></b> 09/12/18	
<b>Complainant(s):</b> Anonymous	<b>Subject(s):</b> Mary Lugo, BPMT-Board member AFCSME Local 1907-Executive Board Member	<b>CASE CLOSED</b> Date: <u>10/22/18</u>	

**Allegation(s):**

The COE received anonymous information pertaining to a possible voting conflict by BPMT<sup>1</sup> board member Mary Lugo (Lugo). The allegations pertained to an item, not on the agenda, proposing to transfer \$3 Million of the Trust's reserve to the City of Miami General Fund Reserves. The 'apparent purpose', as per information received, was to close the budget gap caused by the City's collective bargaining agreement with AFCSME, Local 1907. Lugo serves as an executive board member of the labor union, thus, voting on the item would benefit the union and therefore, constitute a voting conflict.

**Relevant Law:**

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1(v) ***Voting Conflicts: Members of Advisory and Quasi-Judicial Boards***. No person included in the term defined in Subsections (b)(3)(quasi-judicial personnel) and (b)(4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary;

<sup>1</sup> In 1987, the City of Miami Commission created the Bayfront Park Management Trust. Board members are appointed by the Miami City Commission, with one of the board's members being an elected City official. Jose Gell is the Interim Executive Director of the BPMT.

### **Investigation:**

The BPMT board is composed of 8 members and assisted by Rafael Suarez-Rivas:<sup>2</sup>

- Commissioner Joe Carollo (Carollo)-Chairman
- Marie Louissaint
- Alex Cardenas
- Ralph Duhuarte
- Stephen Kneapler
- Cristina Palomo
- Dr. Jorge Suarez-Mendez
- Mary Lugo

The allegations in question stemmed from a meeting held on Tuesday, August 21, 2018. Following roll call and prior to Discussion of Trust Finances, Carollo indicated that several items which were not included on the agenda due to lack of time and “emergency nature”, would be discussed after the Director’s report.

The item, i.e., a motion for \$3 Million to be given to the City of Miami General fund Reserves from their reserves [BPMT], was introduced and opened for discussion by Carollo. After the motion and discussion where the whole board was present, Suarez-Mendez seconded the motion. Subsequently, after Palomo questioned how the \$3 Million amount was determined and Carollo responded, Lugo excused herself from the proceedings.

Prior to voting, Suarez-Mendez inquired as to Lugo excusing herself from the vote and possibly losing the quorum. Suarez-Rivas indicated quorum requirements for the board are the majority members present, thus, Lugo would not affect the vote. The item passed unanimously. At the end of the meeting, the board voted unanimously approving the budget.

Lugo was contacted regarding the allegation and reason for excusing herself prior to voting. Lugo indicated she left the meeting due to a personal emergency.

### **Document Review:**

BPMT Meeting Agenda  
BPMT Meeting Transcript  
BPMT Meeting Recording

### **Conclusion:**

After discussing the foregoing with the Ethics Advocate it was determined that this matter would be closed with no further action since it was determined that Lugo did not vote on the matter.

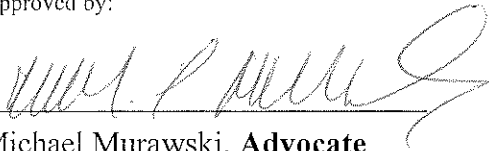
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<sup>2</sup> Rafael Suarez-Rivas is an Assistant City of Miami Attorney. Suarez-Rivas is not a member of the board, but present during the meetings advising the board.

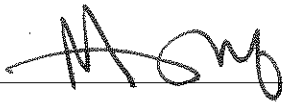


Nilda Olmo, **COE Investigator**

Approved by:



Michael Murawski, **Advocate**



José Arrojo, **Executive Director**

Date: 10/23/18