



**CASE
CLOSED**

Date: 6-17-19

Miami-Dade Commission on Ethics & Public Trust
Investigative Report

Investigator:	Sylvia Batista	Case No. PI19-13
Complainant:	Elizabeth Carter	Subject/
Date Opened:	03/25/19	Case Name: City of Doral
Date Submitted:	04/24/19	Councilmember Christine Fraga

Allegation(s):

Elizabeth Carter (Carter) sent an e-mail to the COE informing about an ice cream social event sponsored by Councilmember Christine Fraga (Fraga) for City of Doral employees. The event was held at the City of Doral Government Center on 12/19/18 during working hours. The ice cream served at the event was from Fraga's ice cream store, Brain Freeze.

Carter also complained of Fraga's alleged use of the City's Official Facebook page stating that Fraga has posted information about Brain Freeze and initiatives that she has promoted for the special needs community on her Government Official Facebook page, www.facebook.com/CouncilwomanChristiFraga.

Carter identified a separate post allegedly on Fraga's Government Official Facebook page where Fraga discusses her business endeavors and entrepreneurship skills showing a picture of herself eating ice cream. According to Carter, the Facebook page where the posts appear is www.facebook.com/CouncilwomanChristiFraga.

The COE has initiated an inquiry to discover whether a violation of the Conflict of Interest and Code of Ethics Ordinance took place.

Relevant Laws:

The Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1(n) Actions prohibited when financial interests involved.

No person included in the terms defined in Subsections (b)(1) through (6) and (b)(13) shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest. A financial

interest is defined as a special financial interest, direct or indirect, as that term is used in Section 4.03 of the County's Charter; or as a financial interest as defined in Section 769 of the Restatement of the Law of Torts as an investment or something in the nature of an investment. This section shall not prohibit any official, officer, employee or person from taking official action (1) to promote tourism or downtown development or redevelopment within the County or any portion thereof, or (2) to authorize the expenditure of public funds for promoting tourism or downtown development or redevelopment, so long as no such authorized public funds are to be paid to such person or a member of his or her immediate family or any business in which he or she or any member of his or her immediate family has a financial interest.

Sec. 2-11.1(d) Prohibition on transacting business with the County/municipality through a corporation, partnership, or other legal entity.

No person included in the terms defined in Subsection (b)(1) through (6) and in Subsection (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 Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this Subsection shall render the transaction violable.

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 of 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.

Review and Interviews:

01/11/19 – Memorandum from City of Doral's former City Manager, Edward A. Rojas, to Fraga with regard to the ice cream event held at the City of Doral Government Center on 12/19/18.

The Manager informed that they are revising City procedures for these types of events where the events will need to occur outside the Government Center during employees' official break times. Additionally, if employees are going to be filmed, the Office of the City Manager must be advised in advance so that staff is notified prior to their attendance.

04/18/19 – **Connie Diaz, City Clerk** –

In the reply to the COE's public records request, City Clerk Connie Diaz (Diaz) provided a copy of the invitation to the ice cream event held at the Government Center on 12/19/18. The invitation was generated by Rita Garcia, Assistant Human Resources Director.

04/18/19 – Maggie Santos, Communications & Protocol Manager –

Carter alleged that Fraga used her “Government Official” Facebook page to promote her business, Brain Freeze, on 01/17/19 or on 03/19/19. In reply to the COE’s public records request, Santos advised that she did not approve postings to appear on the City’s Official Facebook page on the aforementioned dates. Santos advised that the City’s Official Facebook page is www.facebook.com/cityofdoral.

The Facebook page used by Fraga for the 01/17/19 and 03/19/19 postings is www.facebook.com/CouncilwomanChristiFraga. This page is managed by Fraga and is not an official City of Doral Facebook page.

08/22/18 – City of Doral Council Zoning Meeting –

Carter alleged that Fraga abandoned the dais at the 08/22/18 meeting 12 minutes after it started without providing an explanation. A review of the meeting reveals that Fraga asked the Mayor to move a discussion item forward so that she could participate in the discussion and vote because she has to leave early. According to Carter, Fraga does not state the reason for her early departure nor does the Mayor ask for a reason. The meeting continued unchanged after Fraga’s departure.

04/24/19 – Christy Fraga, Doral Councilwoman –

Fraga was provided with a copy of the e-mail from Carter. Fraga said that the 12/19/18 ice cream event did not disrupt City operations. It was held from 11:00 a.m. to 12:00 noon which is their lunch hour. This approved event was held in order to show appreciation to staff for their dedication and hard work throughout the year.

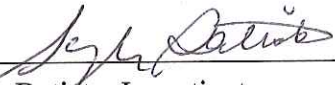
Fraga said that the Facebook posts in which she mentions Brain Freeze and talks about entrepreneurship were posted on www.facebook.com/CouncilwomanChristiFraga. This page is her own page. Fraga explained that she can post anything on the page without the City’s approval.

Lastly, Fraga said that as to her early departure from the 08/22/18 meeting, she had excused herself for leaving the meeting by informing the City Clerk that she had a conflict with her schedule and needed to leave early. Fraga said that this is permitted, and she leaves it up to the Clerk’s office whether they want to report it as an absence or not.

Fraga said that “Lizzie Carter” is probably a fake name. This is a play to get something on the record to discredit her.


Conclusion:

After discussion with the Ethics Advocate, it was determined that there is no violation of the ethics code, or any other rule or regulation; accordingly, no further action is warranted in this matter.



Sylvia Batista, Investigator

Date: 6/17/19



Michael Murawski, Advocate

Date: 6/17/19



Jose Arrojo, Executive Director

Date: 6/10/19