



**CASE
CLOSED**

Miami-Dade Commission on Ethics & Public Trust
Investigative Report

Date: 11-27-19

Investigator: Susannah Nesmith
Complainant: Luis Figueredo

Case No.: K19-37
Subject/Case Name: Nicole Reinoso

Date Opened: 9/23/19

Date Submitted:

Allegation(s):

On September 11, 2019, the Executive Director of the Miami-Dade County Commission on Ethics and Public Trust, Jose Arrojo, received a letter from Doral City Attorney Luis Figueredo. Figueredo brought to our attention an issue regarding Doral Legislative Analyst, Nicole Reinoso.

Reinoso is the legislative analyst for Doral Councilwoman Christi Fraga, used City of Doral letterhead to write to the staff at the Downtown Doral Charter School expressing her desire to have her children attend the school. Figueredo's letter pointed out that the City's ordinance, 2-1 prohibited the unauthorized use of the City Seal and that such unauthorized use is punishable pursuant to Florida Statute § 775.082.

Relevant Law:

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.

Investigation:

Ms. Reinoso gave a sworn statement on Oct. 4, 2019. She said she had applied to get her children admitted to the Downtown Doral Charter School in March, before she was hired at the City and before she lived in Doral. She said that she requested City of Doral letterhead in order to write the letter to the school because she was under the impression that the school gave priority to the children of Downtown Doral employees. She said her children were not admitted to the school until after her family moved to Downtown Doral. The oldest two children are now attending the elementary school.

Jeanette Acevedo-Isenberg, head of the Downtown Doral Charter schools and Dina Baeza, the office manager, met with this investigator and Public Advocate Mike Murawski on Nov. 22, 2019.

They were accompanied by the school's attorney, Christine Jurado. They explained that nothing was done when the school received the letter on Doral stationary, because working in Downtown Doral only acts as a preference factor for the pre-school, not for the elementary or upper school. On July 16, after Ms. Reinoso's family had moved into a home in Downtown Doral, she had a meeting with Ms. Baeza, who personally verifies each family's documentation showing they live in Downtown Doral. The school reserves the first 50 percent of the student slots to residents of Downtown Doral. After Ms. Reinoso had shown proof of her downtown residency that the school requires, her children moved up the waiting list. At the time, the school had not allocated 50 percent of its slots to downtown residents, so the next opening in the grades of her three children would go to them.

The school called Reinoso on July 31 to tell her that her third-grade child had gotten into the school. A space opened up for the kindergartener on Aug. 6 and for the preschooler on Aug. 12.

Ms. Acevedo-Isenberg said that beyond writing the letter in question, Ms. Reinoso did not at any point attempt to use her position with Doral to sway school officials to get her children admitted. She also said Councilwoman Christie Fraga never approached her regarding Ms. Reinoso's children.

Documents/Exhibit Review:

Documents provided by Luis Figueredo (and in the paper file):

The undated and unsigned letter Ms. Reinoso wrote to the school. The letter begins "The intention of my letter is not only to demonstration (sic) my sincerest wish for my children to be students at the Downtown Doral Charter, but also to introduce myself and my family to the Downtown Doral Community."

In the second paragraph, Ms. Reinoso writes, "I recently accepted a position as the Legislative Analyst for Councilwoman Christi Fraga at the City of Doral in the Government Center located in Downtown Doral." She goes on to say that she and her husband are looking for a place to rent in downtown Doral. While the letter is undated, it does mention that Fraga introduced Reinoso at the May 8, 2019 City Council meeting.

A Sept. 11, 2019 email from Christine Jurado, the attorney for the Downtown Doral Charter Elementary School, acknowledged Figueredo's request for a signed copy of Reinoso's letter. Jurado wrote that the school did not have a signed copy of the letter but did receive a letter on City of Doral letterhead from Reinoso. The school declined to release the letter, which it deemed a part of a student record and therefore exempt from public records laws.

An email from Fraga to the Clerk of Doral, apparently responding to a public records request for correspondence between her office and the school. Fraga included the letter Reinoso wrote and noted in her email that the letter was "informing the school of her employment in City of Doral, as per the school's website." She then quotes the policy posted on the pre-school admissions page, which notes that children of parents who work in downtown Doral get priority in admissions.

The enrollment policy of the elementary school, which does not include the priority for children of downtown employees. It does, however, include a policy to put the students who do not win a spot at the school in the lottery on a waiting list. Students who apply after the open enrollment period are to be put on a waiting list. The policy states, in part,

The lottery will continue until every applicant's name has been drawn and identified for enrollment or placed on a waiting list. All applications received after the Open Enrollment period will be placed at the bottom of the waiting list for that particular program, class, or grade level in the order in which they are received.

Records obtained from the school's website (digital file):

The application for the elementary school, which notes the enrollment period for the 2019-2020 school year was open until Jan. 15, 2019.

The official minutes of the Downtown Doral Charter Elementary School Board of Directors Feb. 25, 2019 meeting. During the meeting the Head of School, Jeannette Acevedo-Isenberg told the board that the school had received so many applications it planned to increase enrollment to 1,200.

The official minutes of the May 13, 2019 Board of Directors meeting. During the meeting, Acevedo-Isenberg told the board that the school had received 2,225 applications to the elementary school and 437 applications to the preschool.

Conclusion:

The City's ordinance prohibiting the personal use of the City Seal is contained in section 2-1 of the City's Code. The Miami-Dade County Commission on Ethics and Public Trust is empowered to enforce the County and municipal codes of ethics.¹ The ethics code of the City of Doral is contained in sections 2-370 through 2-398 of the City's code. Accordingly, the Ethics Commission lacks jurisdiction to enforce section 2-1 of the City's Code, we must defer to the City of Doral for any enforcement of that provision.

We did, however, consider whether Ms. Reinoso's actions may have constituted a violation of section 2-11.1 (g) of the Conflict of Interest and Code of Ethics ordinance entitled "Exploitation of official position prohibited."

Our determination in this case is that the evidence is insufficient to establish a knowing and intentional violation of section 2-11.1(g). Ms. Reinoso presents a credible argument that she wrote to the school on City letterhead in order to demonstrate that she was employed in Downtown Doral which according to school policy gave her child a priority for admittance to the preschool only.

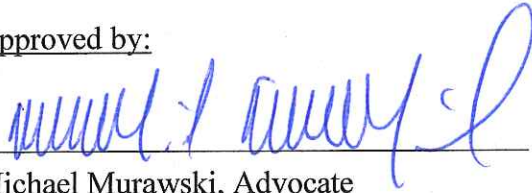
¹ 2-1068 Miami-Dade County Code

While it probably would have been a wiser course of action for Ms. Reinoso to have asked the City's Human Resources department to verify her employment with the City, the school acknowledged that a letter on letterhead would suffice as such proof. Accordingly, we find Ms. Reinoso did not violate the Conflict of Interest and Code of Ethics and will refer this matter back to the City of Doral for them to handle as they deem appropriate.

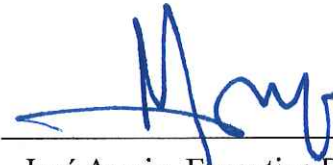


COE Investigator Susannah Nesmith

Approved by:



Michael Murawski, Advocate



José Arrojo, Executive Director