



**CASE  
CLOSED**

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

Date: 1-13-20

Investigator: Nilda Olmo  
Complainant: Internal  
Date opened: October 31, 2019

Case No.: PI 19-43  
Subject/Case Name: Xavier Suarez-Press Conference  
Date Submitted: 12/12/2019

**Allegation(s):**

On or about October 30, 2019, the COE received information regarding Commissioner Xavier Suarez. The allegations stemmed from a request by Suarez to City of Miami Manager, Steven Alexander for the use of City Hall and a podium for a press conference announcing his candidacy for County Mayor.

**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 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:**

**Maria Garcia, Executive Assistant to the City Manager, City of South Miami**

Maria Garcia (Garcia) was interviewed on Thursday, November 14, 2019. Garcia explained the written policy of the City of South Miami for the use of City Hall to host or allow presentations used for public purposes. She mentioned that the Florida Department of Transportation and University of Florida have used their facility to make presentations. She indicated the policy is applied equally and insures regulations are followed, adding that events/presentations must be approved by the City Manager.

Regarding the Suarez allegations, though not recalling an exact date, Garcia mentioned receiving a phone call from a gentleman identifying himself as someone associated with Commissioner Suarez's campaign. The gentleman inquired regarding the use of a podium for an upcoming press conference.

Garcia informed the individual that the use of a City facility requires the Manager's approval.

Shortly thereafter, the same gentleman visited City Hall. Garcia did not recall him identifying himself, other than mentioning his association with Suarez's campaign. She stated she did not receive his contact information (business card, e-mail or phone number) and there was no e-mail exchanged.

Garcia stated that, after a brief conversation where she explained procedures for the use of City Hall that included the City Manager's approval when utilizing government resources, she informed him that the only podium available was in the Commission chambers and was not able to be moved.

Steven Alexander, City Manager, City of South Miami

On Thursday, November 14<sup>th</sup>, 2019, Steven Alexander (Alexander) voluntarily agreed to meet with this investigator regarding the above-mentioned allegation.

Alexander was questioned as to Commissioner Suarez's request to use South Miami City Chambers for a press conference. Alexander indicated Suarez reached out to him via text requesting the use of the lobby and a podium for an upcoming press conference. He agreed, initially, believing the press conference was regarding public business, not a campaign-related event, however, he subsequently denied the request and use of a podium.

Alexander referenced the City of South Miami policy that was established through an Administrative Order (AO) pertaining to the use of City property/resources. Below is an excerpt of AO # 1-14r, regarding events held within a City building:

No event held within a City building, under any circumstances, may promote or oppose any political candidate or issue. All events that are held in a City building shall be non-partisan and the sponsoring entity(ies) and the event shall not have a political agenda, disparage or support or oppose, directly or indirectly, any candidate or issue. At a minimum, any group that is utilizing any of the City's property to sponsor a non-partisan political related event is required to provide the name, address, phone number and email address of each of its participants, (candidates, moderators and panelists) as well as that of the sponsoring entity and a statement, signed by each of them, including the person having the authority to bind the applicable entity, under penalty of perjury, to uphold the letter and spirit of this Administrative Order and to exercise strict vigilance to insure that the purpose of the event is to disseminate candidate views to the general public rather than to favor or endorse, or oppose or disparage any view or candidate, and that no candidate should be permitted to solicit or accept, and no person shall offer or give, any campaign contributions during the event or at any time within or on the City's public building or property.<sup>1</sup>

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<sup>1</sup> Copy of the South Miami Administrative Order #1-14r-Use of City Property by Private Groups-Free Speech/Statement of Participant is attached as part of exhibits.



## DECLARATIONS OF CANDIDACY

Traditionally, the steps to a City Hall has been a place to declare their intent to run for elected office. Out of respect for this American tradition, the City will allow candidates for elected office the opportunity to use the front steps of the City Hall building at 6130 Sunset Dr. for a ceremony to announce the initiation of their candidacy. Such ceremonies shall be less than one half hour in length and [should not] involve the distribution of literature, campaign paraphernalia or collateral. No campaign funds shall be solicited or received on public property. Such events, following all the provisions above, shall be scheduled through the City Manager's Office and not require the following Statement of Participant.

Alexander provided a copy of the AO to Suarez that included the Declaration of Candidacy and Statement of Participant. The policy is for use of City Hall/City property. The Statement of Participant was never signed by Suarez and the press conference was ultimately held outside City Hall on August 23, 2019.

### Xavier Suarez, Commissioner-District 07, Miami-Dade County

Commissioner Xavier Suarez voluntarily agreed to be interviewed on December 9, 2019 regarding the allegation mentioned herein. The interview took place at Stephen P. Clark Center, 111 NW 1st Street, Suite 220.

Suarez indicated reaching out and having direct contact with Steven Alexander, City Manager for South Miami, regarding an upcoming press conference, the logistics and use of a podium. Originally, he requested the use of the lobby and a podium, but subsequently, upon review of the ordinance, he decided to hold the event outside City Hall.

The press conference was to announce his candidacy for the 2020 Miami-Dade County Mayoral race. Suarez stated that Alexander first agreed, but subsequently denied the request. He [Alexander] "laid out the rules," indicating the press conference had to be outside City Hall.

Suarez stated that what triggered him to have the press conference outside City Hall, on the public right of way, was Commissioner Daniella Levine Cava's announcement of her bid for County Mayor at the Elections Department in Doral. In addition, he stated South Miami is a central location and home to his District office.<sup>2</sup>

According to Suarez, it is customary for him to reach out to Assistant County Attorney Oren Rosenthal for legal advice on a variety of issues and did he did so on this particular matter.

The press conference was held outside City Hall, and Suarez indicated no County/Municipal resources were used, "no copies, no distribution of literature/campaign paraphernalia, no resources."

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<sup>2</sup> District 7 South Miami Office, 6130 Sunset Drive, South Miami, FL 33143

The podium used in the press conference, Suarez said, was borrowed from a production company. The contact person was Toni Swam. A campaign volunteer transported the podium to the event in his personal truck.

Oren Rosenthal, Assistant County Attorney was contacted and recalled a conversation with Suarez requesting legal advice regarding general context (government resources, political events and announcements).

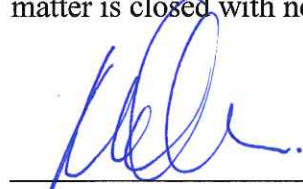
Toni Swam from Swarm Event Agency was contacted and confirmed they provided a podium, at no cost. It was picked up and returned.

#### **Documents/Exhibits:**

- Copy of South Miami Administrative Order #1-1 4r-Use of City Property by Private Groups-Free Speech.
- July 25<sup>th</sup>, 2019 text message from Commissioner Xavier Suarez to City Manager Steven Alexander.
- Local10.com news 08/28/19-Xavier Suarez announces run for Miami-Dade Mayor.
- Miamitimesonline.com- Xavier Suarez announces run for County Mayor.<sup>3</sup>

#### **Conclusion:**

After discussion with the Ethics Advocate it was determined that Suarez did not violate any portion of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance. Accordingly, this matter is closed with no further action.



Nilda Olmo, COE Investigator

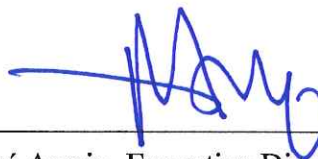
1/13/20

Date

Approved by:



Michael Murawski, Advocate



José Arrojo, Executive Director

1/13/20

<sup>3</sup> A review of the Channel 10 news video and Miami Times online reveals that Commissioner Suarez did formally announce his candidacy for County Mayor outside of South Miami City Hall. Suarez also expressed support for County Commissioner District 1 candidate Sybrina Denise Fulton.