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Ethics Commission follows through on Gimenez & Trump complaints

The Miami-Dade Commission on Ethics and Public Trust (COE) today determined that neither Miami-Dade Mayor Carlos Gimenez nor real estate developer and presidential candidate Donald Trump violated lobbyist regulations when they initially discussed the future of the Crandon Park Golf Course, but found Probable Cause that a Trump associate did violate the rules. A citizen filed one complaint (**C 15-06**) against the Mayor for knowingly permitting a person who was not registered as a lobbyist to engage in lobbying activities, and two others (**C 15-04** and **C 15-05**) against Trump and his associate, Ed Russo, for engaging in lobbying activities without first registering to do so. They stem from reports that while playing a round of golf with Gimenez at Crandon, Trump stated how much he admired the property, and expressed interest in buying it. The Mayor said Trump could not buy the course, but could possibly manage it. In March of 2014, Trump sent a letter asking the Mayor what the next steps might be and the Mayor delegated the response to other County officials, who advised Trump that he could submit an unsolicited proposal as described in state statutes. Trump later did so and paid the County's processing fee for its review, which the County has since declined to pursue. Since there was no proposal for which action was being sought at the time of the initial discussion between Trump and Gimenez, the meeting is not considered lobbying, so No Probable Cause was found on the complaints.

Russo, a retired environmental consultant who works for Trump, had subsequent meetings with County officials to seek assistance to prepare the unsolicited proposal. He also appeared before the Crandon Park Master Plan Advisory Committee (CPAC) and met with Committee member Bruce Matheson to discuss Trump's interest. When he became aware that he needed to register as a lobbyist, he did so, and later also met with several county commissioners. The Ethics Commission found Probable Cause that Russo should have registered before his interactions with CPAC and Matheson. Because Russo, who normally does not engage in lobbying, testified that he was unaware of Miami-Dade's regulations and complied as soon as he was told he needed to do so, the COE found Probable Cause, but then directed that the complaint be dismissed upon issuance of a Letter of Instruction.

No Probable Cause was found on a complaint (**C 15-01**) filed against former Interim Sweetwater Mayor Jose M. Diaz regarding actions taken while he was running for election last fall. His opponent, Orlando Lopez, alleged that Mayor Diaz exploited his position by seeking campaign contributions from a vendor and city employee and that volunteers gave him credit for a holiday gift giveaway and food distribution which were not funded by his office or his campaign. The investigation could not find sufficient corroborating evidence to support the allegations, and, since Diaz was removed from the ballot by the courts, the complaint was dismissed. However, the investigation uncovered anecdotal evidence suggesting that residents of the Lil Abner Trailer Park are targeted often in Sweetwater elections through the distribution of absentee ballots along with food and gift distributions by political candidates. The Ethics Commission report recommends that the Farm Share Program terminate its relationship with the city and use local religious or non-profit organizations to provide food to needy residents to "reduce the temptations of politicians to exploit this opportunity."

Orlando Lopez also filed a complaint (**15-02**) against Jesus Menocal, who was Chief of the Sweetwater Police Department during last fall's campaign, alleging that he exploited his position by soliciting help and placing signs on behalf of then-Mayor Diaz. The investigation found insufficient evidence that Menocal misused his post, and noted that any assistance provided to Diaz by Menocal occurred when he was off-duty and not in uniform. The Ethics Commission found No Probable Cause and dismissed the complaint. Menocal resigned as police chief after Diaz was disqualified from the election.

No Probable Cause was found to a complaint (**C 15-13**) filed against Doral City Councilman Pete Cabrera for violating the "Truth in Government" provision of the Citizen's Bill of Rights. The complaint was based on an item on a city council agenda labeled as a staff report, when it was actually originated by Cabrera. The investigation found that while the labeling may have been inaccurate, the act doesn't rise to an intentional ethics violation and the complaint was dismissed.

A complaint (**C 15-17**) filed against North Miami Beach Councilwoman Phyllis Smith alleging campaign violations was found Not Legally Sufficient. Some accusations may violate state election laws, which are not under the jurisdiction of the Ethics Commission. Others may have violated the Voluntary Fair Campaign Practices ordinance; however Councilwoman Smith did not sign the agreement to be bound by the ordinance.

A complaint (**C 15-18**) against the Miami Shores Village Charter School Authority regarding possible Sunshine Law violations was dismissed for Legal Insufficiency because the Ethics Commission does not enforce the Sunshine Law. The matter was referred to the State Attorney's Office.

The Ethics Commission agreed to dismiss a complaint (**C 14-41**) against former Miami-Dade County Solid Waste Department administrator Billy Hardemon for failing to disclose outside income relating to campaign work for two candidates seeking office in Miramar. Both Yvette Colbourne and Alexandra Davis paid several thousand dollars to B & B Consulting, a corporation lead by Hardemon's wife, Barbara. Both women testified that Mr. Hardemon volunteered for their respective campaigns and was never paid. An examination of bank records did not show any funds from B & B going directly to him.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

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