

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, September 27, 2016 3:47 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Wayne Reinhart, Planning Advisory Board, Voting Conflict, INQ 16- 219
Attachments: graham lease.pdf

INQ 16- 219 Reinhart

From: Perez, Martha D. (COE)
Sent: Tuesday, September 27, 2016 8:50 AM
To: 'Wayne Rinehart' <wrinehart@costarealty.com>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Wayne Reinhart, Planning Advisory Board, Voting Conflict, INQ 16- 219

Dear Mr. Reinhart,

You inquire whether you have a voting conflict in connection with an anticipated vote on an application coming before the County's Planning Advisory Board (PAB).

Background

You are a member of the County's PAB. You advise that your company, Costa Realtors, Corp. leases commercial space from The Graham Companies, your landlord and applicant before the PAB (Landlord/Applicant).

The PAB is an advisory board created by the County Board of County Commissioners (BCC) to serve as the County's local planning agency charged with, among other duties, conducting public hearings to review and make recommendations on Master Development Comprehensive Plan (MDCP) amendment applications, recommending annexations/ incorporations, and preparing and evaluating appraisal reports. See §§ 2-107-2-108.1, Miami-Dade County Code; INQ 15-234.

You lease office space at 6843 Main Street, Miami Lakes (the Graham Office Building), from Landlord/Applicant which will be appearing before the PAB on October 31, 2016, on a planning item, to wit: a remaining May 2016 Application No.6 to amend the MDCP. Although you indicate you are not sure about the nature of the request, a cursory review of that request shows that Landlord/Applicant's request is to re-designate an area located east of the Homestead Extension of the Florida Turnpike (HEFT) and west of I-75 between NW 170 St. & 180 St., specifically, property located north of NW 170 St. between NW 97 Ave. and HEFT. You have advised that the application request will not affect your lease with Landlord/Applicant. Pursuant to the Fifth Lease Amendment attached herein, there is a set 3% yearly rental increase until 2018. Additionally, you have indicated that your partner in your real estate company (Ray Costa) is the one who deals directly with Landlord/Applicant. Your company and Landlord/Applicant share the same business address.

Analysis

Under § 2-11.1(v) of the County Ethics Code, a member of a County advisory board would have a voting conflict if that member would be *directly affected* by the board's action **and** the member also has any of the following relationships with any person or entity appearing before the board: officer, director, partner, of counsel, employee, fiduciary or beneficiary, stockholder, bondholder, debtor or creditor. Based on the facts you have provided, it appears that the item Landlord/Applicant has in front of the PAB has nothing to do with your current lease agreement or your landlord-tenant relationship, hence, the board's action will not directly affect you. See RQO 11-28; INQ 05-47, INQ 08-60. You also do not have any of the prohibited relationships with Landlord/Applicant appearing before the PAB on this matter, *provided*

you are current in your rental payments. See INQ 05-135; INQ15-81. Consequently, you do not have a voting conflict on this particular item coming before the PAB on October 31st.

In the event a situation arises where your personal and/or financial interests may be affected by the board's action and your relationship with the applicant falls into one of the prohibited categories, we would recommend that you seek an opinion from this office.

This opinion is based on the facts as presented. If any of these facts change, please contact us.

Sincerely,

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

19 West Flagler St. Suite 820

Miami, FL 33130

(305)350-0656

PEREZMD@miamidade.gov

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From: Wayne Rinehart [<mailto:wrinehart@costarealty.com>]

Sent: Monday, September 26, 2016 10:41 AM

To: Perez, Martha D. (COE) <perezmd@miamidade.gov>

Subject: RE: Opinion

1) Honesty I don't know

All I have received so far was in an email I got that I pasted below

The remaining May 2016 standard applications: No. 5 (American Dream Miami), No. 6 (Graham Companies), and No. 7 (Calusa Golf Course) will be subsequently heard at the PAB public hearing scheduled for **October 31, 2016 at 10:00 AM**. The *Initial Recommendations May 2016 Applications to Amend the Comprehensive Development Master Plan* for the standard applications is scheduled to be published September 30, 2016.

2)no it will not affect my lease

Wayne Rinehart

Costa Realtors Corp.

6843 Main Street #302

Miami Lakes, FL. 33014

Phone: (305) 558-4090

Cell: (305) 216-2629

Email: wrinehart@costarealty.com

From: Perez, Martha D. (COE) [<mailto:perezmd@miamidade.gov>]

Sent: Monday, September 26, 2016 9:57 AM

To: 'wrinehart@costarealty.com'

Subject: FW: Opinion

Good morning Mr. Reinhart,

We are in receipt of your request. As a follow up, I would appreciate it if you would provide me the following information:

- 1) Please describe the nature of the issue/ application being presented by your landlord before the PAB on October 31st
- 2) Also, to the best of your knowledge, will the decision or recommendation of the PAB on your landlord's application involve or affect the space you lease from him or the attached lease agreement? If so, please explain.

Thank you.

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

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From: Ethics (COE)

Sent: Thursday, September 22, 2016 4:09 PM

To: Perez, Martha D. (COE) <perezmd@miamidade.gov>

Subject: FW: Opinion

From: Wayne Rinehart [<mailto:wrinehart@costarealty.com>]

Sent: Thursday, September 22, 2016 4:00 PM

To: Ethics (COE) <ethics@miamidade.gov>

Subject: RE: Opinion

Sorry forgot attachment please find it attached

I would like an opinion on this question

I am a member of the Dade county pab board for the last 14 years and have an application coming in front of me on Oct 31st by my landlord

The graham company's.

I have been there tenant since 2007, I have attached the last extension thru June of 2018.

My partner Rey costa deals with the lease personally.

I do not think there is a conflict as you can see it is a 3% increase every year and will continue to be that way.

The only reason I am asking for an opinion is that I would like to have it before some jerk I no called Michael pizza starts making accusations.

I thank you for your time and look forward to your response.

Wayne Rinehart
Costa Realtors Corp.
6843 Main Street #302
Miami Lakes, FL. 33014
Phone: (305) 558-4090
Cell: (305) 216-2629
Email: wrinehart@costarealty.com



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FIFTH LEASE AMENDMENT

This Fifth Lease Amendment (the "Amendment"), is made and entered into this 3 day of July, 2013, by and between **THE GRAHAM COMPANIES**, a Florida corporation, as "Lessor" and **COSTA REALTORS CORP.**, a Florida corporation, hereinafter called "Lessee".

WITNESSETH

WHEREAS, Lessor and Lessee entered into that certain Lease dated September 21, 2007, as amended by the First Lease Amendment dated February 23, 2009, the Second Lease Amendment dated July 15, 2010, the Third Lease Amendment dated November 16, 2010 and most recently by the Fourth Lease Amendment dated May 26, 2011 for the Demise of the real property more particularly described as Suite 302 in the Graham office building located at 6843 Main Street, Miami Lakes, Miami-Dade County, Florida, 33014.

WHEREAS, Lessor and Lessee desire to modify certain of the terms and provisions of the Lease as hereinafter set forth.

NOW, THEREFORE, for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Lessor and Lessee agree as follows:

Section 1.0 – Demise; Term: Change the expiration date to June 30, 2018.

Section 2.0(a) – Rental: Change base rent as follows:

July 1, 2013 through June 30, 2014	\$3,387.00	\$237.09	\$3,624.09
July 1, 2014 through June 30, 2015	\$3,488.61	\$244.20	\$3,732.81
July 1, 2015 through June 30, 2016	\$3,593.27	\$251.53	\$3,844.80
July 1, 2016 through June 30, 2017	\$3,701.06	\$259.07	\$3,960.13
July 1, 2017 through June 30, 2018	\$3,812.09	\$266.85	\$4,078.94

*All sales, use, or similar taxes now or hereinafter imposed on the payment of rent by Lessee, whether federal, state, or local, which is currently 7.0%.

EXCEPT as modified and amended herein, all provisions of the Lease shall remain in full force and effect.


EXECUTED as of the date first above written in several counterparts, any one of which shall be deemed an original, but all constituting only one instrument.

LESSOR:

Signed in the presence of:

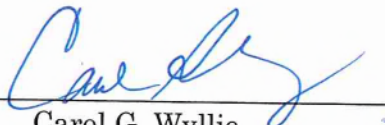
THE GRAHAM COMPANIES, a Florida corporation






(As to Lessor)

(LESSOR'S CORPORATE SEAL)

By: 

Carol G. Wyllie
Title: Executive Vice-President

Attest: 

Robert S. Whitehead
Title: Assistant Secretary

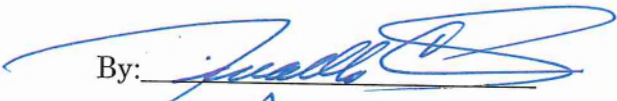
LESSEE:

COSTA REALTORS CORP., a Florida corporation



(As to Lessee)

(LESSEE'S CORPORATE SEAL)

By: 

Title: 

Attest: _____

Title: _____