

Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Robert Steinback

Case No: K14-096	Case Name: Carlos Gimenez, Jr., North Miami Beach	Date Open:	CASE CLOSED Date: <u>10/7/14</u>
	Subject(s): Carlos Gimenez, Jr.	Aug. 27, 2014	

Allegation(s):

Subject Carlos Gimenez, Jr. (Gimenez Jr.), is alleged to have engaged in lobbying North Miami Beach elected officials and/or administrators on behalf of client Dutch Docklands USA LLC without having registered in the City of North Miami Beach (NMB) as a lobbyist.

Relevant Ordinances:

Sec. 2-11.1 (s)(2), Miami-Dade Conflict of Interest and Code of Ethics Ordinance, which reads in relevant part, *“All lobbyists shall register with the Clerk of the Board of County Commissioners within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first.”*

Sec. 2-11.1 (a) extends the applicability of the above citation to NMB. It reads in relevant part, *“This section shall be applicable to all County personnel as defined herein, and shall also constitute a minimum standard of ethical conduct and behavior for all municipal officials and officers [...] and employees of municipalities in the County insofar as the individual relationships with their own municipal governments are concerned. References in the section to County personnel shall therefor be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to.*

Sec. 2-78.2, NMB Code, Registration and Reporting Requirements.

“All lobbyists shall, before engaging in lobbying activities, register with the City Clerk. Every

person required to so register shall:

- a. Register on a form prepared by the City Clerk;
- b. State under oath the name and business address of the registrant; the name and business address of each principal which has employed or retained the registrant to lobby; the specific issue for which he/she has been employed or retained to lobby and the existence of any direct or indirect business association, partnership, or financial relationship with any employee of the City of North Miami Beach...”

Investigation:

Interviews

George Vallejo (Vallejo), MNB Mayor, by telephone, Thursday, Sept. 25, 2014.

Summary of Interview:

Vallejo said, “I have not spoken to Carlos Gimenez Jr. at all about this.” He has had no contact with Gimenez Jr. except “in passing to say hello.”

Barbara Kramer (Kramer), NMB Commissioner, by telephone, Wednesday, Sept. 24, 2014.

Summary of Interview:

Kramer said regarding Gimenez Jr., “I swear to God no, I know who he is, my son worked on his father’s campaign. No, he never came to me. I didn’t even know he was a lobbyist. There was somebody else [from the company], trying to remember who it was. Absolutely, 100 per cent no, [it wasn’t Gimenez Jr., because I know him.]. She says she met with one or two of the Dutch Docklands people, and one lobbyist, but not Gimenez Jr.

Marlen Martell (Martell), NMB Commissioner, by telephone, Wednesday, Sept. 24, 2014

Summary of Interview:

Martell said “I’ve met with three guys [from Dutch Docklands]. Two of them were Dutch gentlemen, the other one was a lawyer. I know I’ve seen him before. If he has black hair, receding hairline that could be the person.” The investigator offered to send Martell a picture of the subject Gimenez Jr. to see if he was the man she visually had in mind. Upon receiving the photo, Martell sent a return e-mail message saying that the man she met with was not the subject.

Frank Behrens (Behrens), Vice President of Dutch Docklands USA LLC, by telephone, on Thursday, Oct. 2, 2014.

Summary of Interview:

The company Behrens represents is proposing to construct a development of floating luxury homes on NMB's Maule Lake. Behrens said his company contracted with Balsera Communications to do government public relations, specifically community outreach for Eastern Shores, the community on land bordering Maule Lake (the proposed site of the Dutch Docklands project) most likely to be impacted by the proposed development. Behrens said that Gimenez Jr.'s job was to address the "people closest to the lake to inform them what are plans are." Gimenez Jr.'s job is to speak to those homeowners. "We hired him to talk to the people at the lake."

Behrens said that the company hired the law firm of Becker Poliakoff to handle lobbying directed at city commissioners. Among the firm's lobbying representatives is government consultant Jose Bermudez (Bermudez), Behrens said, whose duties included speaking with NMB elected officials. Bermudez also represents his own firm, JAB Strategies, LLC.

Behrens said the company, as well as Gimenez Jr. himself, is careful about lobbying matters realizing that he is the son of the county mayor.

Ana Garcia (Garcia), NMB City Manager, by telephone, Thursday, Oct. 2, 2014.

Summary of Interview

Garcia said that she was surprised to hear that subject Gimenez Jr. was representing Dutch Docklands. "I have never spoken to him on the phone, and I have never met him."

Document/Audio/Video Review:

Included in the case file:

- July 2014 article in the Biscayne Times on the Dutch Docklands USA LLC proposal entitled, "In the Market for a Hyper-Luxurious Floating Island?" by Erik Bojnansky
- August 23, 2014, article in the Miami Herald entitled "Dutch solution to Miami's rising seas? Floating islands," by Jenny Staletovich.
- Greenberg Traurig Letter of Intent for Approval by Dutch Docklands USA LLC for zoning and site plan approval of project.
- List of lobbyists registered with NMB, delivered by e-mail August 28, 2014, provided by City Clerk Pamela Latimore.

Analysis

This case was opened after receipt of a telephone call from a woman who claims to have spoken to Gimenez Jr. about the Dutch Docklands project. The caller, who would not give her name, said that Gimenez Jr. had personally bragged to her that he had already met with six of NMB's seven city commissioners about the proposal. The caller also made reference to the *Miami Herald* article itemized above.

In the article, Behrens emphatically responds to an apparent question from the reporter regarding how "serious" the floating homes proposal is. This is how the newspaper describes his response:

"Look who I'm sitting next to," he [Behrens] said during an interview, pointing to Greenberg Traurig shareholder attorney Kerri Barsh and Carlos Gimenez Jr., a vice president at Balsera Communications and the son of the county's mayor, both hired to help ensure the project's success. "This isn't like, 'Oh, let's buy a lake and do a project and make money.' It's 'Let's buy a lake and show people what we're capable of.'"

The quote suggested a primary role for Gimenez Jr., although it did not state what his precise duties were.

The investigator reached three commissioners, Vallejo, Kramer and Martell. All three denied having ever met with Gimenez Jr.; Vallejo and Kramer added that they knew Gimenez Jr. well enough to recognize him, eliminating the possibility they had met with him without realizing who he was, and knew they had never spoken with him about the project. Martell didn't know Gimenez Jr. personally, but verified after seeing Gimenez Jr.'s photo that he was not the third man present when she met with two Dutch representatives of the company.

Since this quick survey already undermined the caller's assertion that Gimenez Jr. had claimed to have spoken to six of the seven commissioners, the investigator contacted and spoke with Behrens, who described Gimenez Jr.'s role as addressing residents of Eastern Shore. He said that the company has endeavored to be very careful about lobbyist registration. In fact, when the investigator checked with the NMB city clerk on August 28, 2014, five people connected with Dutch Docklands were registered with the city as lobbyists: Behrens, Bermudez, Jeroen C. Schuurung of Dutch Docklands, and Edward Martos and Kerri Barsh of Greenberg Traurig.

Gimenez Jr. was not among those registered on August 28. However, following the investigator's call to Behrens, Gimenez Jr. called the COE office and left a voice mail message wanting to know why he was being investigated for unregistered lobbying when he was, in fact, registered. Gimenez Jr. and the investigator spoke soon thereafter, and it turns out Gimenez Jr. registered with the city as a lobbyist on September 15, 2014. He stated that he then sent letters to two City Commissioners, which he acknowledged would qualify as lobbying contacts, on September 17.

No evidence was found to suggest that Gimenez was improperly lobbying city officials or administrators prior to registering with the city as a lobbyist.

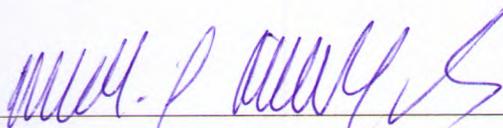
Conclusion(s):

After discussion with the Ethics Commission Advocate, it was determined that no further action would be taken except that the case be closed; the allegations appear to be unsubstantiated



Robert Steinback, COE Investigator

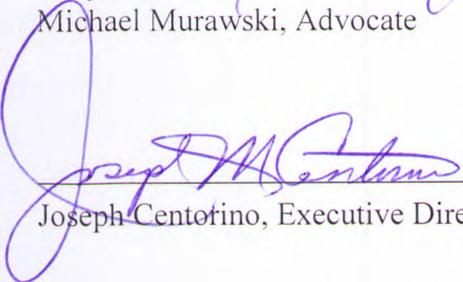
Approved by:



Michael Murawski, Advocate



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10/2/14

Date