

REPORT OF INVESTIGATION

K #: K07-048

Date Opened: April 13, 2007

Name of investigator(s): Manuel W. Diaz, Sylvia Batista
.....

Allegation:

On March 28, 2007, an article appeared in a City of Miami blog, MiamiCityWatch@aol.com. The article identifies Ms. Rosario Kennedy as a lobbyist who contacted City Commissioners in an attempt to influence their vote on a zoning change: 06-01060zc. Investigators initiated an investigation to determine if Ms. Kennedy violated The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance by not registering as a lobbyist.

Miami Dade County Code Sec.2-11.1

(s) Lobbying.

(1) (a) As used in this section, "County personnel" means those County officers and employees specified in Section 2-11.1(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

(2) All lobbyists shall register with the Clerk of the Board of County Commissioners within three (3) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first...

and/or

City of Miami Code Sec. 2-654. Registration; fee; disclosure requirements; log of registered lobbyists; exemptions from payment of fee.

(a) A person may not lobby a city official, a city board member, the city manager or city staff, until such person has registered as a lobbyist with the city clerk. Such registration shall be due upon initially being retained as a lobbyist by a principal, prior to any type of lobbying activity, and shall be renewed on a yearly basis thereafter. The annual registration fee for each lobbyist shall be \$500.00 as an initial registration fee, plus an additional fee of \$100.00 for each principal represented for each issue lobbied on behalf of any one principal. The registration fees required by this section shall be deposited by the city clerk into a separate account and shall be expended for purposes of recording, transcription, administration and/or any other associated costs incurred in maintaining these records for availability to the public. The city commission may, in its discretion, waive the registration fee in demonstrated instances of financial hardship. Regardless of the date of the initial registration, all lobbyists' registrations shall expire December 31 of each calendar year, and shall be renewed on a calendar year basis.

Investigation:

1. City of Miami Florida Planning and Zoning Item January 25, 2007

Ordinance 06-01060zc: Zoning change: address 3665 S Bayshore Drive.

AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING PAGE NO. 44, OF THE ZONING ATLAS OF ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, ARTICLE 4, SECTION 401, SCHEDULE OF DISTRICT

REGULATIONS, BY CHANGING THE ZONING CLASSIFICATION FROM "G/I" GOVERNMENT AND INSTITUTIONAL TO "R-4" MULTIFAMILY HIGH-DENSITY RESIDENTIAL, WITHOUT AFFECTING THE "NCD-3" NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT, AS APPLICABLE, FOR THE PROPERTY LOCATED AT APPROXIMATELY 3663 SOUTH MIAMI AVENUE, MIAMI, FLORIDA; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

2. The first reading for the item **Ordinance 06-01060zc** was scheduled for January 25, 2007. The item passed on first reading. The second reading was scheduled for March 3, 2007. The item continued by the City Commission until April 26, 2007. The vote concerned a 300-unit Development (Grove Bay Residences) P&Z item 06-01060zc.
3. On March 29, 2007, Investigators researched the City of Miami Lobbyist Register for 2006 and determined that Lobbyist Kennedy registered for the item on September 25, 2006. Further research determined that Ms. Kennedy had not registered for 2007. (effective March 21, 2007)
4. Investigators made Public Records request for visitors/lobbyist logs for March 2007 from the office of the City of Miami Mayor and the offices of the City Commissioners. The following Commissioners responded:
 - a. Commissioner Tomas Regalado
 - b. Commissioner Angel Gonzalez

- c. Commissioner Michelle Spence-Jones
 - d. Commissioner Marc Sarnoff
 - e. Commissioner Joe Sanchez
 - f. Mayor Diaz' Office did not respond to the Public Records request.
5. Investigators noted that Ms. Kennedy was mentioned twice made on the Communications Log for Commissioner Michelle Spence-Jones for March 16, 2007. The messages were left for Mr. Koteles (Mr. Koteles Anderson is Commissioner Spence-Jones' Senior Legislative and Policy Advisor). The messages left read:
- 10:45** Rosario Kennedy Re: Came by to see you regarding Mercy (786) 287-9993, and **4:15** pm Rosario Kennedy Re: 786-287-9993.
6. Investigators contacted Mr. Anderson who advised that he was aware of Ms. Kennedy's attempts to contact him concerning the Mercy issue. **(06-01060zc)**. Mr. Anderson told Investigators that he did not return Ms. Kennedy messages. He is not aware if Commissioner Spence-Jones spoke to Ms. Kennedy.
7. Investigators re contacted the City of Miami Clerk's Office and determined that Ms. Kennedy re registered as a lobbyist representing the Related Companies of Florida LLC/ Grand Bay on April 3, 2007.

CONCLUSION:

1. Ms. Rosario Kennedy is president of ROSARIO KENNEDY & ASSOCIATES CORP.

2. Ms. Kennedy registered to lobby on behalf of The Related Companies of Florida, LLC/ Grand Bay Residences on September 25, 2006. **(06-01060zc)**.
3. Sec. 2-654. of the City Code, *Registration*, states that the date of the initial registration, all **lobbyists'** registrations shall expire December 31 of each calendar year, and shall be renewed on a calendar year basis.
4. MiamiCityWatch@aol.com, reported on March 28, 2007, that Ms. Kennedy Lobbied City Commissioners on behalf of the Related Group of Florida LLC/ Grand Bay Residences.
5. Ms. Kennedy attempted to contact Mr. Anderson on two different occasions prior to re registering for the item.
6. Lobbyist registrations maintained by the City of Miami indicated that Ms. Kennedy renewed her registration to lobby on behalf of The Related Companies of Florida, LLC/ Grand Bay Residences **(06-01060zc)** on April 3, 2007.