

## REPORT OF INVESTIGATION

K #: 08-084 SCORES

Date Opened: July 31, 2008

Date Closed: March 26, 2009

Name of investigator: Karl Ross  
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### **Allegation:**

Pursuant to an e-mail from then-North Miami Beach Commissioner Patrick Julien, the above-captioned case was opened surrounding the conduct of Mayor Ray Marin and other North Miami Beach officials with respect to permitting issues at an adult entertainment venue, Scores Miami. In his June 27, 2008, e-mail to COE Executive Director Robert Meyers, Julien referenced a June 9, 2008, transcript of a Circuit Court hearing in which he claimed testimony was taken alleging improper conduct by North Miami police and code enforcement officials in shutting down the establishment, while it was further alleged that Mayor Marin may have exploited his official position with respect to Scores in order to benefit a potential developer of that site.

### **Investigation:**

It was determined that COE would monitor the ensuing legal proceedings, as the matter was already the subject of multiple lawsuits by the club's owner, SMG Entertainment (SMG). To that effect, COE obtained a copy of the transcript in question and reviewed it for allegations of improper conduct. SMG Vice President John Nielson stated that Mayor Marin attempted to place items on the agenda concerning Scores without proper notice, alleging this was an attempt to "sandbag" the club.

Nielson further alleged that Marin issued a directive to the city manger not to issue any more permits to adult establishments in the city, and made reference to video footage of the April 1, 2008, city commission meeting in which Mayor Marin imparts

such a directive, according to the transcript. Nielson further alleged that occupational and other licenses were denied without due process, and that the city's subsequent code enforcement action shutting down the club was illegal and unjustified. Elsewhere in the transcript, city officials attempted to dispute these accusations.

On Feb. 9, 2009, COE interviewed SMG's attorney, Thomas Moon, to follow up on the legal proceedings in state and federal court. Mr. Moon advised that mandamus actions filed in both venues had been dismissed and the issues regarding the permits had been resolved. Moon said that the city re-issued Scores' occupational license and two liquor licenses, and the club remains a going concern. Moon stated Mayor Marin did recuse himself from voting on one of the issues involving a liquor license, but said that was due to a conflict between the mayor and Moon's former law firm. He said he had no reason to suspect any improper relationship between the mayor and local developers. He said relations with the city since that time have been "amicable."

On Feb. 9, 2009, COE contacted former North Miami Beach Commissioner Julien and interviewed him regarding the Scores matter. Julien noted that the developer of the property adjacent to Scores – Braha Dixie LLC – had to reduce the size of a proposed commercial project because it was unable to expand its "footprint" to include parts of the property presently occupied by Scores. He stated Mayor Marin is "very friendly" with the developer, Mr. Ralph Braha of New York, and said he still suspected this relationship may have influenced the mayor's actions regarding the licenses. He said Mayor Marin has frequent "closed-door meetings" with local business interests and has "created the perception that the city is for sale." Former Commissioner Julien also referenced a Feb. 3, 2009, article in the Miami Herald, noting the city failed to abide by its own zoning code in approving the 10-story office complex next to Scores. A city legal advisor acknowledged the error in the approval of preliminary site plans.

**CONCLUSION:**

Given the “amicable” resolution of the above-captioned matter, it was decided the investigation concerning Scores should be closed. The handling of the Scores licensing issue – reversed only after a vigorous legal challenge – coupled with the subsequent zoning “error” benefitting the developer of an adjacent property raises concerns about possible exploitation and/ or bias. Accordingly, COE should continue to keep track of future developments in that city as they relate to these issues.