

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K 12-118

Date Opened: August 1, 2012

Date Closed: September 13, 2012

Name of Investigator: Breno Penichet

Allegation:

COE received a phone call via the hot line from a Village of Biscayne Park commissioner, who wanted to get clarification regarding conflict of interest by a State Senator.

Applicable Legislation:

Miami Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1

(s) Lobbying.

(b) As used in this section, "Lobbyist" means all persons, Firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (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.

Investigation:

COE received a telephone call from Commissioner Barbara Watts (Watts) who wanted to get clarification regarding a possible conflict of interest by a State Senator. Watts advised that recently during a commission meeting there was an item dealing with a rate hike proposed by

Florida Power and Light (FPL). A representative of FPL approached the dais and was accompanied by Miguel Diaz de la Portilla (Diaz de la Portilla), who is a State Senator. Watts advised she felt pressured because if she did not vote in favor of the item it may impact other matters affecting the Village because of Diaz de la Portilla's position. At that time, she was advised that if that occurred it would have to be handled by the authorities in the State Senate.

Watts was told that the only issue for the Miami-Dade County Commission on Ethics and Public Trust (COE) was whether Diaz de la Portilla registered as a lobbyist with the Village prior to representing FPL.

Watts provided a copy of the item on the agenda that prompted her concern.

Maria Camera- Village Clerk, Biscayne Park

Maria Camera (Camera) was interviewed via telephone, regarding the Village's lobbyist registration procedures. Camera advised that at this time the Village does not have a sign in procedure for lobbyists wishing to represent clients before the Village council. Camera further stated that she, along with the Village Attorney J. Hearn, is in the process of drafting a lobbyist registration ordinance.

John Hearn- Village Attorney, Biscayne Park

John Hearn (Hearn) was contacted by the Advocate and verified that an ordinance is being drafted that among other mandates would require lobbyists to register with the village clerk and provide other pertinent information.

Records Check.

Diaz de la Portilla is a registered lobbyist for FP&L in Miami-Dade County.

Conclusion:

After discussion with the Ethics Commission Advocate, it was determined that no violation of our ordinance occurred. Case closed without further action.

Note: All paperwork received was placed in file.