

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

#K12-120

Date Opened: 08/10/12

Date Closed: 09/25/12

Investigator: Sylvia Batista

An article appeared in the August 9, 2012 publication, Miami Today, regarding a possible ethics violation involving the reinstatement of the Miami Beach Festival of the Arts in North Beach (the "Festival"). The article described the plan of City of Miami Beach Commissioner, Jerry Libbin (Libbin), to reinstitute the Festival which was cancelled in 2011 after a 37-year run in North Miami Beach. According to the article, Commissioner Libbin said that the City is expected to issue a request for proposal for the Festival by October 2012, but already met with a prospective bidder earlier this summer. The article advised that the prospective bidder is James Echols (Echols), founder of Life is Art, Inc., a non-profit dedicated to supporting and promoting the arts in South Florida.

The COE's issue relates to possible violation of the Conflict of Interest and Code of Ethics Ordinance Section 2-11.1(s)(4), *Lobbying*.

Investigation:

As of August 16, 2012, City records reveal that neither Echols, nor any other principal of Life is Art, Inc. have registered to lobby the City on the reinstatement of the Festival.

09/05/12 – Commissioner Jerry Libbin –

Commissioner Libbin was interviewed on the subject matter. City Attorney Jose Smith (Smith) was present during the interview. Libbin explained that funding for the Festival was cut last summer at a Cultural Arts Council (“CAC”) budget meeting. The funding was cut because they believed that the Festival lacked quality and CAC wanted a quality art festival. Libbin advised that the CAC disburses money as they see fit.

Libbin explained that, as far as he can recall, he was introduced to Echols by Frances Alvin, who also introduced him to Lou Ortiz, the Miami Today reporter who wrote the piece on the festival. Libbin said that he recalled having a casual conversation with Echols about the Festival, but he does not remember whether it was in person or on the telephone. Libbin said that he told Echols to go to the next finance meeting. Libbin said that he suggested to Kathy Brooks to put together an RFP, which will soon be issued.

Libbin questioned whether his conversation with Echols was actually lobbying. Excerpts from the Miami Today article were read and both Libbin and Smith agreed that the communication with Echols constituted lobbying. Libbin said that he would speak with Echols and ask him to register as a lobbyist for the City.

09/24/12 - Silvia Prieto, Administrative Aide, Miami Beach City Clerk’s office, provided the COE with a copy of Echols’ lobbyist registration form filed on 09/19/12.

Conclusion:

Due to the fact that compliance with the lobbyist registration ordinance was achieved, no further action will be taken by the COE on this matter and the instant case is closed.