

# MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



## REPORT OF INVESTIGATION

K #: K12-084

Date Opened: June 4, 2012

Date Closed: June 28, 2012

Name of Investigator: Manuel W. Diaz

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### **Allegation:**

The Blog "Eye on Miami" reported that Florida State Representative Miguel Diaz de la Portilla (Diaz de la Portilla) may have met with South Miami (SM) Mayor Phillip Stoddard (Stoddard) concerning Florida Power and Light (FP&L). The article did not identify the issue Diaz de la Portilla and Stoddard may have discussed. The article questioned whether Diaz de la Portilla engaged in unregistered lobbying.

### **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.

**City of South Miami Sec. 8A-5. - Lobbyists; registration, reporting, fees, exemptions, expenditures, and penalties.**

b) Definitions. For the purposes of this section, the following terms shall have the definitions contained herein:

(1) *Lobbyist* means all natural persons, unincorporated associations, or business entities, firms, corporations, principals employed or retained, for financial compensation, which includes non-monetary compensation of similar value, by a principal who seeks to encourage the passage, defeat, or modification of any of the following:

a. Ordinance, resolution, action, or decision of the city...

c) (1) Registration and filing requirements. All lobbyists, including all entities and consultants, shall, before engaging in any lobbying activities, register with the clerk. Every person required to register shall register on forms prepared by the clerk, pay a registration fee as specified in appendix A to the ordinance from which this section derives and state under oath:

**Investigation:**

An investigation was initiated to determine if Stoddard was contacted by Diaz de la Portilla for the purpose of lobbying against proposed legislation and to determine if Diaz de la Portilla registered with the City of South Miami as a lobbyist.

**Interviews**

**Philip Stoddard - Mayor, City of South Miami, Florida**

Stoddard was interviewed via telephone. He advised that he had been contacted by Diaz de la Portilla in late April or early May to arrange for a meeting to

discuss a proposed SM Resolution sponsored by Stoddard. The Resolution opposed a rate increase by FP&L. Stoddard advised that he never met with Diaz de la Portilla. He advised that he did meet with an attorney, L. Ruiz from Diaz de la Portilla's law firm and Ramon Ferrer (Ferrer) from FP&L.

Stoddard is aware that Diaz de la Portilla is a partner with Coral Gables law firm Becker & Poliakoff and is retained by FP&L as a lobbyist. Stoddard recommended that the COE contact Pinecrest Mayor Cindy Lerner whom he believes was also contacted by DdIP.

Cindy Lerner (Lerner) – Mayor, Town of Pinecrest, Florida

Lerner was interviewed. She advised that she had proposed a Resolution in Pinecrest similar to the Resolution proposed by Stoddard in SM. She advised that Diaz de la Portilla never met with her. She advised that Diaz de la Portilla did meet with the executive committee of the Miami-Dade League of Cities to discuss the Resolutions. Lerner recommended that the COE contact Mayor Shelly Stanzic (Stanzic) from the Town of Palmetto Bay to determine if she had been lobbied.

Shelly Stanzic, Mayor, Town of Palmetto Bay, Florida

Stanzic was contacted. She advised that she was not contacted directly by Diaz de la Portilla. She did advise that she received an email from him but she never opened it.

Ramon Ferrer, Florida Power and Light

Ferrer was contacted. He advised that he is registered with the SM as a lobbyist and met with Stoddard to discuss the Resolution. He advised that Elinette Ruiz

(Ruiz), a lawyer for Becker and Poliakoff, was also present. He believed that Ruiz was also registered.

Public Records – SM Lobbyist Register

The SM Lobbyist Register indicates that Ferrer is registered to represent FP&L; Ruiz is registered but Diaz de la Portilla is not registered.

**CONCLUSION:**

After discussion with the Ethics Commission Advocate, it was determined that there was insufficient evidence to conclude that Diaz de la Portilla engaged in lobbying activities therefore the instant case is closed without further action.