

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

#K13-019/C13-02

Date Opened: 02/19/13

Date Closed: 04/05/13

Investigator: Sylvia Batista

The COE received an ethics complaint from the Mayor of the Town of Cutler Bay, Edward P. MacDougall (MacDougall), against lobbyists Jose Luis Castillo (Castillo) and Juan Mayol (Mayol). The complaint is based on information provided to MacDougall by Barbara Condon (Condon), a local activist.

Condon conducted research into whether lobbyists registered in connection with the application for a new Publix have made the required disclosures pursuant to Section 7.6 of the Town Charter and Section 2-11.1(s) of the Conflict of Interest and Code of Ethics Ordinance. Condon found that Castillo and Mayol, who are two (2) of the five (5) lobbyists registered on the subject application, have not complied with the disclosure requirements, in that they have failed to disclose in writing all contacts with Town officials, and any expenditures involved in their representation of the principal(s). The subject disclosures are required to be made prior to the public hearing(s) on the application, held on 11/28/12 and 01/16/13.

The COE's issue relates to possible violations of the Conflict of Interest and Code of Ethics Ordinance Section 2-11.1(s) Lobbying and Section 7.6 of the Town's Charter and Town Ordinance 07-02.

Investigation:

The COE submitted a public records request to Town Clerk Debra Eastman (Eastman).

The COE investigator was informed that the "Publix" application is not the actual name of the project being proposed in which applicant Paradise Group Ventures, LLC is requesting approval to re-develop a vacant parcel of land located on S.W. 208th Street and Old Cutler Road.

In response to the COE's public records request, Eastman provided copies of the lobbyists' registrations of all lobbyists registered in connection with the subject application. Lobbyists registered on behalf of Paradise Group Ventures, LLC are Mayol, Castillo, and Hugo P. Arza, Esq. ("Arza"). Lobbyists Amy Huber registered on behalf of Realty Associates Fund 1x, and W. Tucker Gibbs registered on behalf of concerned activist Alfie Sergio.

Eastman provided copies of the e-mails from Town officials reporting their communications with lobbyists Mayol and Castillo. Pursuant to the e-mails, Councilmember Peggy Bell (Bell) reported that she met and conferred with Castillo on three (3) occasions prior to the 11/28/12 Town Council meeting. Bell reported that she e-mailed and met with Castillo on three (3) additional occasions prior to the 01/16/13 Town Council meeting. Bell reported meeting with Mayol on one occasion prior to the 01/16/13 meeting and Mayor MacDougall reported having a telephone conversation with Mayol on

the day before the 01/16/13 Town Council meeting. Eastman stated that neither Castillo nor Mayol filed corresponding written disclosures of the aforementioned contacts prior to the subject meetings.

Lastly, Eastman advised that Mayol and Castillo did not file expenditure reports in connection with their lobbying activities before the subject meetings, nor did they disclose in writing all persons and/or entities which they represented upon registering to lobby.

04/08/13 – Juan J. Mayol and Jose Luis Castillo provided the COE with their written replies to the ethics complaint.

Conclusion:

Turned over to the Advocate for Probable Cause determination.