



Miami-Dade Commission on Ethics & Public Trust

Report of Investigation

Investigators: Manuel Diaz and Sylvia Batista

Case No.: K14-112	Case Name: Robaina/Rinehart unregistered lobbying	Date Open: 11/03/14	CASE CLOSED Date: 1/8/15
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Allegation(s):

On October 30, 2014, The Miami Herald reported that former City of Hialeah Mayor Julio Robaina (Robaina) and real estate broker, Wayne Rinehart (Rinehart) had been retained by Lennar Corporation (Lennar) to promote its purchase of a vast parcel of land located in the Town of Miami Lakes (the "Town") from land owner, Lowell Dunn II.

Robaina and Rinehart, described as substantial contributors to the re-election campaign of Town councilman Cesar Mestre, stood to make a sizeable commission on the sale of the property which is expected to sell for more than \$60 million.

It is further reported that, according to the town clerk, neither Robaina nor Rinehart are registered lobbyists in the Town, but have discussed the project with local officials.

An investigation has been initiated by the COE to determine whether Robaina and Rinehart were required to register as lobbyists prior to discussing the project with Town officials.

Relevant Ordinance:

Conflict of Interest and Code of Ethics Ordinance, Sec.2-11.1(s) *Lobbying*

"(1)(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 modification of (1) ordinance, resolution, action or decision of the municipality; (2) any action decision, recommendation of the municipal Manager) or any board or committee; or (3) any action, decision or recommendation of municipal personnel during the time period of the entire

decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the municipal commission, board or committee.”

“(2) All lobbyists shall register with the municipal clerk within three (3) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first.”

Investigation:

Interviews/Contacts

Alex Rey, Town Manager –

Town Manager, Alex Rey (Rey) was contacted and confirmed his meeting with Robaina and Rinehart. According to Rey, the purpose of the meeting was to clarify the conditions of the development agreement that the Town had with the Dunn family, owners of the subject property. Rey described the meeting as a fact-finding session between Robaina, Rinehart and the Town. Neither Robaina nor Rinehart lobbied him or other staff members during the meeting.

Rey advised that Lennar has hired lobbyist Juan Mayol, Esq., of Holland and Knight, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131, who has registered to lobby in favor of the proposed development.

Wayne Rinehart, Costa Realty, 6842 Main Street, Miami Lakes, Florida 33014 –

Rinehart confirmed that he and Robaina met with Rey to discuss the development agreement that the Town has with the Dunn family. According to Rinehart, the meeting was fact-finding in nature and concerned an expired development agreement that the Town had with the Dunn family. Rinehart commented that the “Indian burial ground” identified in the development agreement was discussed. Rinehart advised that he did not represent Lennar at the meeting and is not a lobbyist for Lennar.

01/06/15 – Julio Robaina –

Robaina explained that he and Rinehart were involved in the actual sale of the land that is referred to as the Dunwoody Forrest property to their client, Lennar. He and Rinehart were doing due diligence in connection with the development agreement which has a great deal of ambiguity that they needed to clarify prior to moving forward with the transaction. The development agreement has been in place since approximately 2002 and continues to be in effect.

Robaina said that he and Rinehart met with Rey and City Attorney Raul Gastesi. He added that at one meeting the zoning official was present as well, but he does not recall his name. Again, the meetings were strictly for clarification purposes.

Robaina concluded that there has been no transaction to date, and they have not been able to enter into a purchase and sale agreement. There has been no meeting of the minds because of contractual obligations that buyer and seller have.

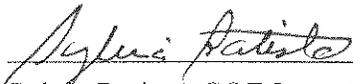
Document/Audio/Video Review:

The following documents were provided by the Town Clerk in response to a public records request:

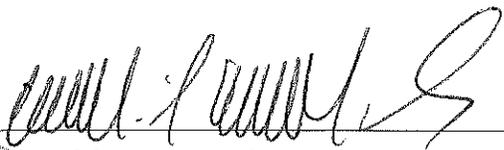
- 2014 lobbyist log (copy in file);
- Juan Mayol, Hugo Arza and Alan Krishner of Holland & Knight are listed as lobbyists representing Lennar. Robaina and Reinhart are not listed as lobbyists; and
- Town of Miami Lakes Resolution No. 11-872 approving the settlement agreement terms between the property owners and Miami-Dade County (copy in file).

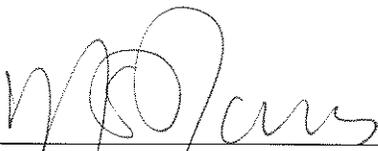
Conclusion(s):

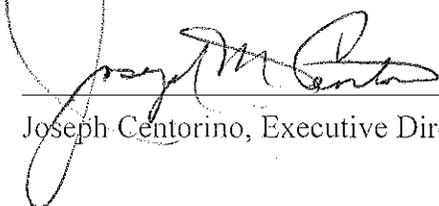
Robaina and Rinehart were not required to register as lobbyists prior to meeting with Town officials in the aforementioned scenario for the reason that they were not attempting to encourage the passage, defeat or modification of ordinance, resolution, action or decision of the Town officials. Merely having an information gathering session where they are obtaining information from the City does not amount to lobbying. Thus, the instant case is closed without further action.

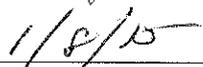

Sylvia Batista, COE Investigator

Approved by:


Michael Murawski, Advocate


Miriam S. Ramos, Deputy General Counsel


Joseph Centorino, Executive Director


Date