



**Miami-Dade Commission on Ethics & Public Trust**

**Investigative Report**

Investigator: Robert Steinback

Case K15-003	Case Name: Cayard	<u>Date Open:</u>	<b>CASE</b> <u>Date Closed:</u>
Complainant(s): Anonymous	Subject(s): Ringo Cayard	<u>Jan. 6. 2015</u>	<b>CLOSED</b> Date: 5/3/2015

**Allegation(s):**

Anonymous complainant alleged that local community activist Ringo Cayard engaged in unregistered lobbying activity in North Miami on behalf of a developer seeking to build a Walmart supermarket in the city.

**Relevant Ordinances:**

Complainant alleges a violation of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance, Sec. 2-11.1 Sec. (s) (2): *All lobbyists shall register with the Clerk of the Board of County Commissioners within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first.*

Sec. 2-11.1 Sec. (a) applies the Code to municipalities within the County.



**Investigation:**

***Interviews***

**Lee Babitt**, (Babitt), representative of RetroSource, the intended developer of the property, on May 15, 2015, by telephone.

Babitt said he was worried about the impact of cooperating with COE given the Walmart project on which he was working in North Miami. He asked for two weeks to consult with his attorney (and, apparently, to get his project further down the road). I told him I was unwilling to wait two weeks; he assured me someone (he or the attorney) would get back to me next week.

The follow-up conversation was never held.

**Tanya Wilson-Sejour** (Wilson-Sejour), planning director, City of North Miami, January 14, 2016, by telephone.

Wilson-Sejour said Walmart and its partners did not revive interest in the property after the Planning Board voted against the project in January 2015, in response to “vehement” opposition from residents. She said Walmart essentially pulled out after encountering strong resistance from residents, not wanting to create a reputation of being an unwanted intruder into the neighborhood.

Wilson-Sejour said no one else has expressed interest in the property since then.

**Document/Audio/Video Review:**

- Florida Sunbiz record for Retrosorce,, Inc.
- Copy, proposed North Miami city ordinance rezoning subject property to allow for the Walmart development
- Copy of January 6, 2015, North Miami Staff Report describing and recommending approval for the RetroSource Walmart development project
- News report, Miami Herald 12/18/14, “North Miami residents reluctant about Walmart plan,” addressing a community meeting held to discuss the Walmart project.
- News report, Miami Herald 12/31/14, “North Miami commission set to discuss Walmart plan,” advancing a City Commission discussion on the Walmart project.
- News report, Miami Herald 1/7/15, “North Miami planning commission disapproves of Walmart plan,” addressing Planning and Zoning board recommendation against the

Walmart project.

- News report, Miami Herald 1/15/15, "North Miami considers election date change to 2016," which also references RetroSource removing its application for the project.
- News report, Miami Times, 1/28/15, "Develop pulls out to build Walmart in North Miami," addressing the developer's decision to withdraw the proposal.

(Description of item reviewed including date)  
Summary of findings

Analysis

Anonymous complainant alleged that Ringo Cayard (Cayard), a prominent Haitian American community activist, used his influence with certain (unnamed) North Miami City Council members to illegally broker a plan by a city property owner in partnership with Walmart to develop a supermarket on vacant land that required a change in zoning. Cayard also allegedly was lobbying the Council on behalf of the project without being registered as a lobbyist.

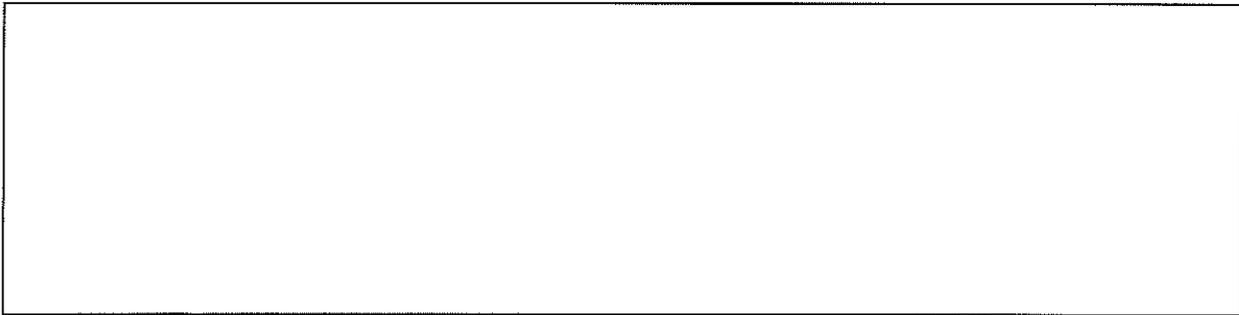
Almost simultaneous with the opening of this investigation, strong resistance to the project by North Miami residents led to the City's Planning and Zoning Board recommending against the proposed zoning changes even though the staff had recommended approval. Shortly thereafter, the developer, RetroSource, withdrew its proposal.

This may have initially been a strategic move by the company to keep prospects for a development alive rather than have the City Commission quash it outright; during the investigator's first contact with company principal Babitt, he expressed reluctance to discuss issues surrounding the project that may have involved Cayard for fear of jeopardizing the project's future prospects.

By January 2016, the City Attorney reported no further interest in the property by this or any other developer. It appears that whatever influence Cayard or any other alleged middleman may have sought to exert was incidental and ineffective, as the project appears to have been permanently stymied.

**Conclusion(s):**

After discussion with the Ethics Commission Advocate it was determined that this matter would be closed with no further action.



(Signature)

Robert Steinback, COE Investigator

Approved by:

Michael Murawski, Advocate

Joseph Centorino, Executive Director

\_\_\_\_\_ Date