



**CASE
CLOSED**

Date:

Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Karl Ross

Case K15-040	Case Name: Mayor Jeff Porter Homestead-Miami Speedway	<u>Date Open:</u>	<u>Date Closed:</u>
Complainant(s): Steve Losner	Subject(s): Homestead Mayor Jeff Porter	July 10, 2015	

Allegation(s):

It was alleged that Homestead Mayor Jeff Porter received an improper benefit in the form of a reduced rental expense for a June 5 campaign event at the Homestead-Miami Speedway, and also possibly in the form of free or subsidized catering and service costs.

Former Homestead City Councilman Steve Losner stated in a July 10 e-mail to this agency that his wife recently tried to book an event at the Champions Club and was quoted a price of \$2,500, not including charges for food, drinks and linens.

Losner referenced a copy of an expense report for Moving Forward PC, a political committee run by Porter's campaign manager, Mark Goodrich. The report showed an expenditure of \$535 on June 5, which Losner said he presumed represented \$500 plus 7 percent sales tax.

Relevant Ordinances:

The Miami-Dade County ethics ordinance, Section 2-11.1, in subsection (e) relating to Gifts states in applicable part that an elected official such as Mayor Porter "shall neither solicit nor demand any gift ..." It further holds that any gift with a value in excess of \$100 shall be disclosed in the manner required by F.S. Chapter 112. Any gifts received in connection with a political campaign shall further be accounted for as required by F.S. Chapter 106.

Investigation:

Interviews

On August 11, COE called the Homestead Speedway at (305) 230-5255 to inquire about the price of renting the Champions Club for a private event. The call was answered by an employee named Brandon, who initially said the club was sold out for the remainder of the year, but later said that was only for events coinciding with speedway events. He said that for additional information, Hope Mees should be contacted at (305) 230-5375.

On August 11, COE received a call from Homestead City Clerk Elizabeth Sewell explaining that requested campaign finance documents were available online. She said that the formal qualifying period had not begun, and therefore no related filings were available. She advised that the qualification period was from August 31 to September 4.

On Sept. 11, COE left a message with the assistant of Mathew Beecher, manager at the Homestead-Miami Speedway, requesting information relating to the Jeff Porter political event in early June. The main number for the speedway is (305) 230-5000.

On Sept. 15, attorney Pablo Acosta contacted COE to advise he was representing the Homestead-Miami Speedway. He was contacted on Sept. 16, and stated that the event was a "clean transaction" and did not involve "in-kind" contributions. He said the political committee or campaign was billed for the expenses, and he said this would be reflected by the invoices. Said invoices were requested, along with an accounting of any discounts. He said he would confer with his clients and get back to COE with additional information.

Jessica McMullen, representative

Change is Good PC

Phone: (786)255-3787

Oct. 8, 2015

Ms. McMullen advised she is no longer working with the political committee or the Porter Campaign, but did say she helped organize the "announcement party" for Porter's re-election bid. She said she would consult an attorney for the campaign and get back to COE.

Pablo Acosta, attorney/ lobbyist
Homestead-Miami Speedway
Phone: (305) 773-6559
Nov. 3, 2015

Mr. Acosta advised that the copy of the "original" agreement between the South Dade Class of '85 High School committee and the speedway was not prepared by his client and that, it was his client's belief, the document was fabricated to mislead investigators.

Mr., Acosta stated a blank copy of the document was sent to Elsa Lopez of the class reunion organizing committee on or about August 16 and that a finalized version in the amount of \$960 was executed on or about August 21, five days later. He said he did not know whether anybody from Mayor Porter's office intervened to request a lower rate.

Mr. Acosta said he would discuss this with his client and advise as to whether the mayor or an assistant, identified as Jordan Padgett requested a discounted rate. He noted that former councilman Steve Losner's wife was present on August 16 during a walk-through of the facility and allegedly stated that her husband had political connections, and further suggested that "maybe he can get them to work on the price" to bring it down.

Mr. Acosta said Al Garcia, the speedway's VP of Operations, would have been the official in charge of establishing the price for the rental of the Champion's Club. He said that Matt Beacher, the speedway president, would not have been involved with this matter.

Elsa Lopez, organization committee/ contact
South Dade Class of '85 High School Reunion
Phone: (305) 301-6903
Nov. 3, 2015

Ms. Lopez was contacted by COE and her assistance was requested. She said she would check her schedule and advise as to when she would be available for an interview.

Ms. Lopez appeared voluntarily for an interview at COE offices on Nov. 9, during which she stated that she was the president of the South Dade Class of '85 High School Reunion organizing committee. She said she participated in a walk-through of the speedway and its Champion's Club along with classmates Lori Losner and Charmaine Underwood.

She said she recalled that a speedway representative told her it would cost approximately \$2,000 to rent the facility, not including charges for linens or catering. She said there was some discussion of asking Mayor Jeff Porter to obtain a reduced rate for the event. She said that another classmate, Holly Tyre-Hilson, met with Porter or a member of his staff, and that, following the meeting, a subsequent price reduction to about \$960 was obtained.

Ms. Lopez stated she was in Russia at the time the contract was signed, and that Ms. Losner was the one who signed the contract on behalf of the organizing committee. She further advised that Ms. Losner was the treasurer for the committee and that she signed checks for the

club rental and for other related expenses such as catering.

Ms. Lopez said 50 to 60 people attended the event, and that catering fees of about \$40 per person were paid for the event. She said a cash bar provided additional beverages, and that the group provided its own linens to save the additional expense of paying a service. She said that catering was provided through the speedway, and that all vendors had to be pre-approved.

Ms. Lopez was asked to examine the draft contract with her name and contact information on it, but said she was unsure who filled it out. She said that perhaps it was somebody on the speedway staff, mentioning a woman named Hope. She showed investigators a text message from Hope Mees dated on or about Sept. 16 with a final quote of \$950 for the facility rental. She said she would check her e-mail account and forward the e-mail to COE.

A phone number was provided for **Holly Tyre-Hilson** of (305) 972-9611.

On Nov. 13, Ms. Hilson stated in a phone interview that she went to the office of Mayor Porter and spoke with the mayor and his assistant, Jordan Padgett, about a price reduction for the rental of the Champion Club for the South Dade class reunion. She said that due to the small size of the event – only 50 to 60 attendees – and the expense of renting a suitable facility, she went to the mayor and sought his help with obtaining a discount. She said the mayor was “thrilled” the group wanted to have the event in Homestead, and indicated he would talk to the speedway management on their behalf. “They didn’t make any promises, but said they would speak to the people at the track. ... Because of our small budget and small turn-out, we needed help and, you know, Who better than the mayor to go to for help?” She said the mayor never made any assurances or discussed price, but was told he had spoken to someone named “Al” at the racetrack, and that she later heard back from his assistant – “Jess” – about the price. She said it was Al Garcia, the vice president of operations who authorized the terms.

On Feb. 1, 2016, a follow-up phone conversation was held with Ms. Tyre-Hilson to discuss key points from her interactions with the mayor. She said she did run into him at a couple of local restaurants to request his assistance with the class reunion, but she said she her recollection was a bit blurry at this point due to the passage of time. “I do not remember the exact conversation,” she said, adding that she believed she had indicated she told the mayor her group had already toured the Champion’s Club and other venues.

She said she recalled they talked about how unique a venue the racetrack was, but stated: “I know that I didn’t talk money with him because I wasn’t the money person and we didn’t get into specific dollars and cents ... I’m going to say it was a more general conversation.”

Ms. Tyre-Hilson said the mayor’s assistant, Jordan Padgett, gave her the phone number for one of Al Garcia’s assistants, adding that she later spoke to the assistant, a woman named “Jess” (Jess Cardoza). She said Jess told her that the mayor had spoken with Garcia and that Garcia had agreed to reduce the asking price for the facility and that “Jess was the one who told me what the pricing would be.” She said that she never spoke directly with Garcia.

Albert Garcia, VP Operations
Homestead-Miami Speedway LLC
Jan. 6, 2016

At the request of COE, Mr. Garcia provided a voluntary statement at the Coral Gables law office of his attorney, Pablo Acosta. He advised that when the speedway receives a rental request, a blank template contract is typically sent out to prospective customers. He said Hope Mees, the director of event operations, usually handles rentals along with Jess Cardoza. He said he has personally known Mayor Jeff Porter for over 15 years and that the relationship predates his time in elected office. He said he knows the Porter family, as well. He said the speedway also frequently partners with South Dade High School, drawing on students to work concession stands for major events in order to raise funds for school activities. He said the city gets 12 free days of usage of speedway facilities each year – known as “city days.” He said these days are arranged at the request of the city manager only and not elected officials.

Mr. Garcia said that, with respect to the rental of the Champions Club to the South Dade Class of '85 Reunion group; Mees and Cardoza were present during the showing, along with Mrs. Losner and other Class of '85 representatives. He said that during the showing Mrs. Losner commented that her husband had been an elected official and asked Mees about possibly using one of the city's City Days for the class reunion. He said Mees did not entertain her suggestion, and that a verbal quote was given to the group for the rental of the club (initially \$2,500). He said he was later contacted by Mayor Porter, regarding the class reunion.

Mr. Garcia said Mayor Porter told him how the number of people attending the class reunion was fewer than expected and that Porter asked if “he could look into it” and somehow assist the group. Garcia said he told the mayor he would look into and see if there was anything he could do. He said he later determined the cost to the facility would be roughly \$900 for parking, lighting and security, and told staff to reduce the cost of the rental to \$960 plus tax. He said he had no further conversations with Porter about the class reunion.

Mr. Garcia said he did speak to Porter directly about the May 14 campaign kick-off event. He said Porter emphasized that the event was not a fund-raiser and told him he intended to invite the other elected officials to attend. He said he never discussed price with Porter, and that his staff later spoke to Mark Goodrich and Jessica McMullen to work out the particulars. He said he told Mees to charge \$500 plus tax, enough to cover expenses for the two-hour event. He said the event didn't require security or parking and was for a shorter length of time than the class reunion. He said Porter used Americrown Services for food and beverages catering.

Jeff Porter, mayor
Homestead, FL
Jan. 28, 2016

Homestead Mayor Jeff Porter met with COE Investigator Karl Ross and Ethics Advocate Mike Murawski at the South Dade Government Center for an interview regarding his involvement with events held at the Homestead-Miami Speedway's Champions Club – specifically, the June 2015 campaign kick-off event held there on his behalf and also the South Dade High School Class of '85 Class Reunion, which was held there in October of 2015.

Mayor Porter said he was not involved in organizing the campaign kick-off event, and did not discuss terms with Al Garcia, head of operations for the speedway. He said he did contact Garcia with respect to the South Dade class reunion, but only to ask who would be the best contact person for the class reunion organizers to meet with to discuss a rental. He said he did not get involved with negotiating terms or price and that he only asked for a contact.

Mayor Porter said he called Garcia, who is his primary contact at the speedway, because he had been inundated by requests from a woman named Holly. He later confirmed she is Holly Tyre-Hilson. "She (Tyre-Hilson) wanted to do an event at the speedway. She wanted to do a reunion ... She kept harassing me about it." He said she made repeated calls to his office at city hall and spoke to his chief of staff, Jordan Padgett. He said he also ran into her twice at local restaurants and that she brought up the speedway rental on those occasions, as well.

Mayor Porter said Tyre-Hilson "wanted to know who was the best person to talk to" about seeing the facility and arranging a rental. He said she did not ask him to intervene on behalf of the class reunion to seek a reduction in the requested rental amount for the club.

Document/Audio/Video Review:

On July 10, an e-mail was received detailing the complaint against Homestead Mayor Jeff Porter for the alleged inappropriate gift from the speedway management. The e-mail and an attached campaign expenditure report for the Moving Forward PC were reviewed.

On August 11, the following link was retrieved to determine rental terms for the event, at <http://www.homesteadmiamispeedway.com/Tickets/Premium-Seating/Champions-Club.aspx>

On August 11, a copy of Mayor Porter's campaign finance reporters was requested from the Homestead City Clerk's Office. The reports were subsequently reviewed and did not show any expenditures relating to the June 2015 campaign kick-off.

On Dec. 22, 2015, COE retrieved expenditures reports for Change is Good PC from an online database maintained by the Florida Division of Elections. The report listed \$14,250 in total expenditures by the PC between May 20 and July 31, 2015, including \$535 for the speedway rental on June 5. Other related expenditures totaling \$1,785 appear to have been paid through a consultant, along with \$287 to Brown and Brown for insurance – all on the same date.

Copies of e-mails between the speedway and class reunion organizers were examined, along with copies of rental agreements and related draft copies of said agreements.

Conclusion(s):

Based on the foregoing, it does not appear that there is sufficient evidence to support filing an ethics complaint against Mayor Porter in connection with the speedway rentals.

The investigation found that while the mayor did speak with a speedway representative, Al Garcia, about finding a space for his campaign kick-off rally, it did not appear that the mayor was involved in any subsequent discussions with respect to the price of the rental. This was handled through a political committee, Change is Good PC, and it could not be proven that the terms were less than arms-length given the limited number of bookings for the facility.

With respect to the mayor's intervention on behalf of the South Dade Class of '85 class reunion event, the investigation did not find clear-cut evidence showing the mayor acted improperly by asking Garcia to try to help the group with its search for a venue.

Mayor Porter claimed he was not asked to seek a reduction in price for the venue by one of the class reunion's organizers, Holly Tyre-Hilson. He said Ms. Tyre-Hilson merely wanted to know who at the speedway her organization could talk to in order to book a venue.

And while this explanation is seemingly at odds with Tyre-Hilson's initial statement that she told the mayor the group was seeking a price reduction due to lower-than-expected turn out, she subsequently stated that she could not say for sure whether she discussed this with the mayor during her meeting. She said she did tell the mayor the group had already toured the speedway's Champions Club, as well as other venues in and around Homestead.

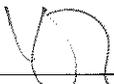
The speedway's vice president of operations, Al Garcia, further advised that he was contacted by the mayor with respect to the class reunion. He said the mayor may have alluded to the group having difficulties, but that at no point did the mayor directly ask for a price reduction. He said the mayor asked him to see if there was anything he could do to help the group.

Garcia said that based on this request, he examined related expenses and authorized his staff to reduce the asking price from \$2,500 to \$960 plus tax. He said he never discussed the terms of the rental with the mayor, nor did the mayor explicitly ask for a reduction in cost.

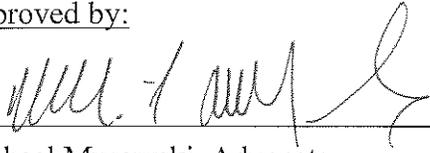
The Mayor stated that he is often asked by constituents about who they should speak with concerning various issues. The Mayor stated that he will often put people in touch with whoever can help them with their problem and sees that as part of his duty to his constituents.

The Mayor should be careful not to intervene or specifically request favors for himself or others as that may constitute an exploitation of his official position; it does not appear in this case that the Mayor crossed that ethical line.

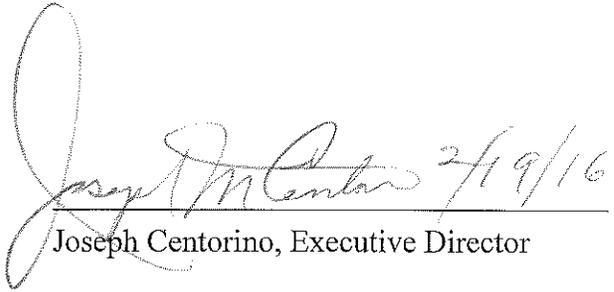
Accordingly, the case should be closed without further action.


Karl Ross, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director