



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Breno Penichet

Case Number K 15-050	Case Name: Airbus Lobbying	<u>Date Open:</u> September 3, 2015 Date: <u>5/20/16</u>	CASE CLOSED
Complainant(s): Albert E. Dotson Jr.	Subject(s): Chris Emerson		

Allegation(s):

The COE received information from Albert E. Dotson Esq., alleging the possible violation of the Lobbyist registration requirements by AIRBUS CEO Chris Emerson.

Relevant Ordinances:

The Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1 (s) *Lobbying definition, requirements regarding registration and disclosure of expenses.*

Investigation:

Interviews

Dotson is the attorney representing "Bell Helicopters" in the competitive bid waiver process initiated by Miami-Dade County (MDC) in order to lease and sell helicopters to the MD Fire Rescue Department (MDFR).

Dotson alleged that Chris Emerson (Emerson), President and Head of North America, for AIRBUS Helicopters Inc., failed to properly register as a lobbyist, before contacting the Purchasing Department for MDC concerning the bid to Purchase / Lease Helicopters, CBW 9827-3/21.

According to Dotson, a copy of the letter was obtained after a public records request was made to MDC. Dotson advises the letter was sent to Mr. Andrew Zawoyski by Emerson on July 22, 2015.

Mr. Andrew Zawoyski
Chief Negotiator
Procurement Management Services

Andrew Zawoyski (Zawoyski) voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegation, Zawoyski advised that he was aware of the allegation by Dotson. Zawoyski advised the issue with the letter goes back to the beginning of the bid process, when the County used the competitive bid waiver process. (This is used when the solicitation process is short and the results must be within a certain amount of time).

Zawoyski advised the equipment to be purchased was very specific with only a selected number of companies that carried the specific product. Proposals were submitted to five (5) known helicopter companies, with exact specifications that needed to be met. Of the five companies only two (2) were invited to participate in the physical inspection process, Airbus (EC145T2 and EC155B1) and Bell (412EPI). According to Zawoyski, the invitations were sent out in December 16, 2014, and proposals were due by January 30, 2015.

Zawoyski also advised that when he received the letter from Emerson he did not feel he was being solicited, he just took it as an introduction to the new CEO. Zawoyski was also under the impression that the letter was also forwarded to the Clerk's office.

Mr. Chris Emerson
President and Head of North America
AIRBUS Helicopters

Chris Emerson (Emerson) voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegation, Emerson accompanied by his attorney Mr. Kendall Coffey, advised that he was aware of the allegation made by Dotson. Emerson advised that he has been with company for approximately twenty (20) years, mainly on the financial section, but now he is working on the administrative section. Emerson

advised that he has also been working in Europe for the past 5 years and felt he needed to introduce himself to Zawoyski. Emerson advised he was not aware of the rules concerning lobbying, and he was also new to the County's competitive bid process.

Albert Dotson Jr. Esq.
Attorney representing
Bell Helicopters.

Dobson was contacted on January 27, 2016, and was asked if he wanted to file a formal complaint with the Commission on Ethics & Public Trust regarding this matter. Dotson advised he would check with his client. As of May 17, 2016, no complaint has been received.

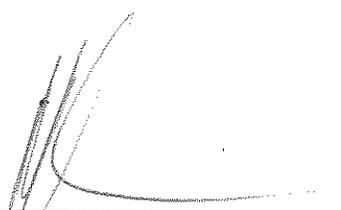
Document/Audio/Video Review:

1. Memo dated June 9, 2015, Subject: Report of Selection Committee for CBW9827-3/21 Lease of New and Sale of MDFR Aircraft. From A. Zawoyski Chief Negotiator, Chairperson, Selection Committee, to, Tara C. Smith Director.
2. Letter dated July 22, 2015 addressed to Mr. Andrew Zawoyski Chief negotiator MDC, from Chris Emerson President and Head of North America for AIRBUS Helicopters.
3. Memo dated August 14, 2015, Subject: CBW9827-3/21 Lease of New and Sale of MDFR Aircraft. From Tara C. Smith Director, to, A. Zawoyski Chief Negotiator, Chairperson, Selection Committee. Approved Chairperson's report.
4. E-Mail dated Wednesday September 2, 2015 to A. Zawoyski from Albert E. Dotson/ Airbus
5. E-Mail dated Wednesday January 27, 2015 to Albert E. Dotson from Breno Penichet COE. Regarding filing formal complaint / Airbus
6. E-Mail dated Wednesday September 16, 2015 to Breno Penichet COE from Albert E. Dotson. Regarding information from MDFR staff reference Bell Helicopters vs. Airbus.
7. E-Mail dated Wednesday September 16, 2015 to Breno Penichet COE from Albert E. Dotson. Regarding additional information from MDFR staff reference Bell Helicopters vs. Airbus.

Conclusion(s):

As a result of the interviews and a review of the documents provided, it appears that Emerson did not attempt to lobby or influence the outcome the bid process in any way. Emerson wanted to introduce himself to the County Staff as the new President for AIRBUS in North America. Advocate Michael Murawski advised that no further action would be taken since the letter Emerson sent amounts essentially to a "meet and greet" letter and does not rise to the level of lobbying. Accordingly, it is recommended that this case be closed.

(Signature)

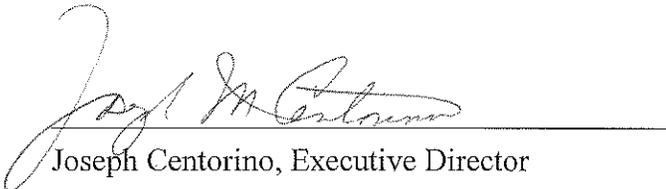


Breno Penichet, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

5/20/16
Date Closed