



Miami-Dade Commission on Ethics & Public Trust

Report of Inquiry

Investigator: Sylvia Batista

CASE

Case: PI16-021	Case Name:	Date Opened:	Date Closed:
Complainant(s): David Arthur Walters	Subject(s): Bruce Turkel.	07/16/15 5/16/16	6/30/2016

CLOSED

Allegation(s):

On or about 05/16/16, information was provided to the COE by David Arthur Walters (Walters) of southbeachherald@gmail.com. The information involved an annual report presented by Bruce Turkel (Turkel) regarding the performance of Miami Beach Tennis Management LLC during the previous year.

Turkel's presentation was made during the "After-action" portion of the 09/02/15 Miami Beach City Commission meeting. No decision or recommendation was made by the City Commission at the conclusion of Turkel's presentation.

Pursuant to information provided by City Clerk Rafael Granado, Turkel is a branding expert contracted by the Greater Miami Convention & Visitors Bureau to provide branding, marketing and creative services.

The COE initiated an inquiry to determine whether Turkel was required to register as a lobbyist with the City of Miami Beach before making the presentation.

Relevant Law:

Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1(s)(1)(b) *Lobbying*; and Section 2-481 of the Miami Beach City Code.

...”Lobbyist” means all persons employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat, or modification of any ordinance, resolution, action or decision of any commissioner; any action, decision, recommendation of the city manager or any city board or committee; or any action, decision or recommendation of any city personnel defined in any manner in this section, during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the city commission, or a city board or committee. The term specifically includes the principal, as well as any employee engaged in lobbying activities.

The term “Lobbyist” specifically excludes the following persons: expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; and any person who only appears as a representative of not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance.

Investigation:

Document Review and Research -

06/22/16 – Review of related documentation:

- Annual Report regarding Tennis Management given by Bruce Turkel, branding expert. The report appeared in the “After-action” section of the 09/02/15 City Commission Meeting.

06/14/16 – E-mail from Rafael E. Granado, Esq., City Clerk (Granado) to David Arthur Walters of The South Beach Herald in which he advised that Turkel made the presentation at the 09/02/15 City Commission Meeting at the City’s request to provide technical or other specialized information about the previous year’s activities by Miami Beach Tennis Management LLC. For this reason, Turkel is not deemed a lobbyist as he was not seeking to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of any commissioner; any action, decision, recommendation of the city manager or any city board or committee; or any action, decision or recommendation of any city personnel. Turkel was providing technical, specialized data and information regarding the activities of Miami Beach Tennis Management LLC, on behalf of the City of Miami Beach.

Thus, Turkel did not have to register as a lobbyist on this matter.

Interviews and e-mails:

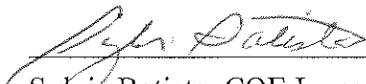
06/22/16 – Rafael E. Granado, City of Miami Beach

Rafael E. Granado (Granado) was contacted and gave a brief telephone interview to the COE investigator. Granado said that he had considered the question of whether Turkel was required to register as a lobbyist in order to make the presentation of the Annual Report regarding Miami Beach Tennis Management. Granado said that he provided Walters with two e-mailed replies to the subject question in which he concluded that Turkel was not required to register lobby in order to make the presentation.

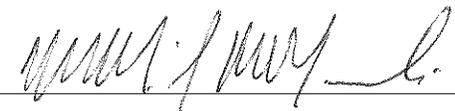
Conclusion(s):

The allegation of unregistered lobbying by Bruce Turkel resulting from his presentation of the Annual Report regarding Miami Beach Tennis Management was determined to be without merit. It was concluded that Turkel's presentation did not meet the criteria of lobbying, and therefore, he was not required to register.

This matter is closed with no further action.


Sylvia Batista, COE Investigator

Approved by:


Michael Murawski, Advocate


Joseph Centorino, Executive Director