



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Nilda Olmo

Case: PI 18-10	Case Name: Bayfront Park Management Trust-Ultra	Date Opened: 03/06/18	CASE CLOSED Date: 8/31/18
Complainant(s): Ken Schwartz	Subject(s): Bayfront Park Management Trust members		

Allegation(s):

Ken Schwartz (Schwartz) contacted the COE regarding the complimentary VIP tickets provided to the Bayfront Park Management Trust (BPMT) Board members for Ultra Music Festival (Ultra). Ultra is a 3-day yearly event in March that takes place at Bayfront Park.

Schwartz alleges that certain Board members have been receiving multiple complimentary tickets for Ultra. He inquired as to a possible conflict of interest, stating his concern about Board members receiving complimentary tickets since 2013 to present, at times receiving more than one ticket. Schwartz feels a conflict of interest exists since those same Board members receiving the tickets are the decision-makers having voting power to recommend renewal of the Ultra contract.

Relevant Law:

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1 (g)(1) *Gifts*. The term "gift" shall refer to the transfer of anything of economic value, whether in the form of

money, service, loan, travel, entertainment, hospitality, item or promise or in any other form without adequate and lawful consideration. Food and beverages consumed at a single sitting or meal shall be considered a single gift, and the value of the food or beverage provided at the sitting or meal shall be considered the value of the gift.

(2) *Exceptions.* The provisions of Subsection (e)(1) shall not apply to: Gifts solicited by County employees or departmental personnel on behalf of the County in performance of their official duties for use solely by the County in conducting its official business...

Investigation:

Interviews

In 1987, the City of Miami Commission created The Bayfront Park Management Trust. The Trust manages Bayfront Park & Museum Park and is composed of 9 Board members led by City of Miami Commissioner Joe Carollo. The Trust is responsible, among other things, for hosting numerous activities and events throughout the year.

Schwartz met with Investigator Olmo and Advocate Michael Murawski regarding his allegations and concerns pertaining to activities and events held at the Bayfront Park, particularly Ultra. Schwartz was accompanied by Bishop Walton, who also expressed his concern about Ultra and how it affects Downtown residents. They stated the residents have been contacting City officials and have collected signatures and protested hoping to ensure that the contract is not renewed in 2018.

Schwartz indicated he lives directly across the street from the Ultra stage and every year during the festival, residents from Downtown Miami as well as neighboring communities complain to City officials and the Police Department regarding noise violations and traffic congestion stemming from Ultra.

Furthermore, the complaints are based on disruptions with Park closures throughout the year. He indicated that approximately 4 to 5 months (on and off), the Park is closed, with limited access or unavailability to the residents. Moreover, residents are unable to walk their dogs, partake in enjoying a stroll in the park with their kids and admiring Biscayne Bay, the very reason most moved into the Downtown area, to enjoy nature and the green space.

Schwartz stated that Ultra is particularly disturbing and gravely affects Downtown residents before, during and after the event. The disruption starts days before the 3-day event when portions of the park shut down and loud sound-testing begins. During the event the residents get increasingly frustrated by the traffic jams and street closures, excessive noise and shaking of the windows, making it impossible to rest or sleep for three nights, forcing the majority of the residents to leave their homes during the 3-day event. The intrusion continues after the event with the park closure due to cleaning and repairs.

Schwartz's concern and reason for contacting the COE stems from a public records showing the BPMT Board members receiving complimentary VIP tickets to Ultra dating back to 2013. At the time of the interview, he provided documents with names of Board members receiving tickets as well as the cost for said complimentary tickets. The documents reflected the tickets had an approximate value between \$700.00 and \$1500.00 and as per the list, some of the members have been receiving more than one ticket since 2013.

Schwartz believes that the high value sought-after tickets might be a possible conflict of interest for Board members. He questioned whether Board members can be fair and impartial after receiving said tickets since they have voting rights impacting whether Ultra remains at Bayfront Park.

Schwartz indicated he has met with Commissioner J. Carollo regarding this matter and has become the voice of numerous Downtown residents who are forced to leave their homes during Ultra.

Documents/Exhibits:

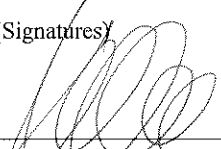
- Documents provided by Schwartz
- Documents provided by Jose Gell, Interim Director, BPMT
- Contract Agreement between the Bayfront Park Management Trust (a limited agency and instrumentality of the City of Miami) and Event Entertainment Group, Inc (a Florida for-profit corporation) dated 03/06/14
- Letter from Advocate Michael Murawski to BPMT Interim Director, Jose Gell including attachments (COE Opinions)
- INQ 14-119 Blake
- INQ 15-242 Meyers
- INQ 15-243 Haber
- INQ 15-287 Haber
- INQ 16-268 Alban

Conclusion:

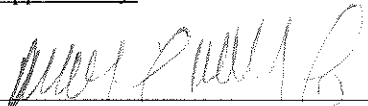
Investigation identified BPMT Board members, Marie Louissaint and Ralph Duharte, who both accepted two tickets to the Ultra event. Louissaint and Duharte were notified by the COE investigator that they must file a gift disclosure disclosing at least one ticket each and that this disclosure must be filed prior to the end of June 2018. Other Board members who received only one ticket, utilized those tickets in a manner that accords with the recommended guidelines for "public purpose" activity and are thus not required to report the receipt of that one ticket as a gift.

The Executive Director of the BPMT was provided with the relevant INQ's that lay out the parameters regarding ticket distribution and reporting requirements pursuant to the guidelines on public benefit tickets. In addition, since the BPMT is currently or about to negotiate with the vendor to renew the contract for 2019, possibly beyond; it is highly recommended that the BPMT and/or the City of Miami negotiate a requirement in the new contract that requires *the vendor* to provide the names of any and all City employees or elected officials they provide with complimentary tickets or passes to the Ultra event. This simple provision in the contract would not be unduly burdensome and would provide the transparency that has clouded this event year after year.

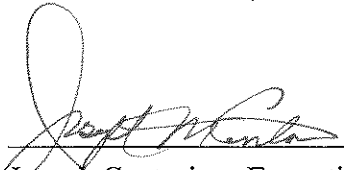
Specifically to Mr. Schwartz's concerns, the receipt of tickets by BPMT Board members does not create a voting conflict under the Conflict of Interest and Code of Ethics ordinance.

(Signatures)


Nilda Olmo, Investigator

Approved by:


Michael Murawski, Advocate



Joseph Centorino, Executive Director

Date: 8/31/18