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**MIAMI-DADE COUNTY  
COMMISSION ON ETHICS & PUBLIC TRUST**

**In re: PABLO ACOSTA**

**C 08-33**

**PUBLIC REPORT AND FINAL ORDER ACCEPTING SETTLEMENT AGREEMENT**

The ADVOCATE filed the above-referenced COMPLAINT against RESPONDENT Pablo Acosta alleging violations of the City of Miami ordinance governing the registration of lobbyists and the prohibition against lobbyist success fees.

Count I of the COMPLAINT alleged that, between 2007 and 2008, RESPONDENT Pablo Acosta had not registered as a lobbyist in the City of Miami to represent South Florida Maintenance Services, Inc. Nevertheless, Mr. Acosta allegedly contacted the City of Miami Manager, Purchasing Director, and Assistant Director of Public Facilities to discuss the effects of the living wage ordinance on a City contract with South Florida Maintenance Services, Inc. If true, this behavior violated the City of Miami Code at Section 2-654, which governs the registration of lobbyists.

Count II of the COMPLAINT alleged that the RESPONDENT entered into a contract with South Florida Maintenance Services, Inc., that provided a contingency fee to the RESPONDENT based on the successful outcome of an agreement between the City of Miami and South Florida Maintenance Services, Inc. Lobbyist contingency fees are expressly forbidden under the City of Miami Code at Section 2-658.

Pursuant to the Code of Miami-Dade County, Section 2-1068, the Commission on Ethics & Public Trust has jurisdiction to enforce the above-referenced sections of the City of Miami Code.

On February 26, 2009, RESPONDENT stipulated that the allegations made in Count I and Count II of this COMPLAINT were legally sufficient and supported by probable cause. In a settlement, RESPONDENT agreed not to contest the truth of the allegations in Count I and Count II and to pay a fine of one thousand dollars (\$1,000.00), and the Ethics Commission agreed to dismiss the charges.

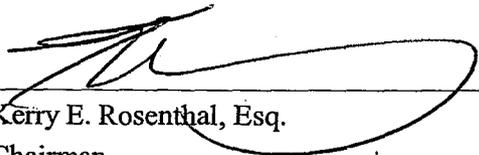
Therefore it is:

**ORDERED AND ADJUDGED THAT** the COMPLAINT is hereby dismissed.

**DONE AND ORDERED** by the Miami-Dade County Commission on Ethics & Public Trust in public session on February 26, 2009.

MIAMI-DADE COUNTY COMMISSION ON  
ETHICS & PUBLIC TRUST

By:

  
Kerry E. Rosenthal, Esq.  
Chairman

**MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST  
LETTER OF INSTRUCTION**

**To:** Pablo Acosta  
**From:** Miami-Dade County Commission on Ethics and Public Trust  
**Re:** Ethics Complaint C08- 33  
**Date:** March 2009

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On February 26, 2009, Respondent, Pablo Acosta (Acosta), agreed not to contest allegations in an ethics complaint filed against him alleging that he violated Sections 2-654 and 2-658 of the Code of the City of Miami (the City Code) . Wherefore, the Ethics Commission issues this Letter of Instruction.

Section 2-653 of the City Code provides that:

*"Lobbyist means all paid persons, firms, corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of any ordinance, resolution, action or decision of the city commission: or any resolution, action decision or recommendation of any city board or committee; or any action, decision, or process of such action, decision or recommendation which foreseeably will be reviewed by the city commission, or a city board or committee."*

Section 2-654 of the City Code provides for the registration of lobbyists.

The ethics complaint filed against Acosta alleged that he engaged in unregistered lobbying at the City on behalf of a company called South Florida Maintenance (SFM). The complaint further alleged that Acosta's retainer agreement with SFM contained a contingency fee which is prohibited by section 2-658 of the City Code.

Section 2-658 of the City Code entitled "Contingency fees", states that:

"No person shall retain or employ a lobbyist for compensation based on a contingency fee, and no person shall accept any such employment or render any service for compensation based on a contingency fee."

The representation agreement specifically identifies SFM's contracts for event maintenance services at several City locations, as areas that Acosta will provide representation for. The agreement specifically states that "once the current issue is resolved and monies owed to SFM with regard to [certain properties] are paid by the City of Miami, SFM shall pay firm an additional [sum of money] if the current issue is resolved within (30) days from the date of this agreement. Upon payment of the monies owed to SFM by the City of Miami the parties further agree that SFM shall compensate the firm for additional services to be rendered for activities described in the ...attached..."

For Mr. Acosta's benefit, Section 2-654 of the City Code which outlines the lobbyist registration fees and procedures is provided below.

Code of the City of Miami, Sec. 2-654 Registration; fee; disclosure; of registered lobbyists; exemptions from payment of fee.

(a) A person may not lobby a city official, a city board member, the city manager or city staff, until such person has registered as a lobbyist with the city clerk. Such registration shall be due upon initially being retained as a lobbyist by a principal, prior to any type of lobbying activity, and shall be renewed on a yearly basis thereafter. The annual registration fee for each lobbyist shall be \$500.00 as an initial registration fee, plus an additional fee of \$100.00 for each

principal represented for each issue lobbied on behalf of any one principal. The registration fees required by this section shall be deposited by the city clerk into a separate account and shall be expended for purposes of recording, transcription, administration and/or any other associated costs incurred in maintaining these records for availability to the public. The city commission may, in its discretion, waive the registration fee in demonstrated instances of financial hardship. Regardless of the date of the initial registration, all lobbyists' registrations shall expire December 31 of each calendar year, and shall be renewed on a calendar year basis.

- (b) Every person required to register as a lobbyist shall:
- (1) Register on forms prepared by the city clerk;
  - (2) Pay an initial registration fee of \$500.00, plus an additional fee of \$100.00 for each principal represented and for each issue the lobbyist has been retained to lobby on behalf of any one principal; and
  - (3) Disclose, under oath, the following information:
    - a. Lobbyist's name and business address;
    - b. Name and business address of each principal represent;
    - c. The specific issue on which he or she has been retained to lobby; and
    - d. If the lobbyist represents a corporation, partnership or trust, the name and business address of the chief officer, partner or beneficiary of the corporation, partnership or trust and the names and addresses of all persons holding, directly or indirectly, at least five percent ownership interest in said corporation, partnership or trust. A separate registration form shall be filed by the lobbyist and an additional fee of \$100.00 shall be paid for each principal represented and for each issue the lobbyist has been retained to lobby on behalf of any one principal.

Such issue shall be described with as much detail as is practical, including, though not limited to: a specific description (where applicable) of a pending request for proposals, invitation to bid, ordinance, resolution, or a given item on the agenda. The city clerk or the clerk's designee shall reject any registration statement which does not provide a clear description of the specific issue on which such lobbyist has been retained to lobby.

Mr. Acosta, to our knowledge, is a well known and respected attorney who frequently engages in lobbying activities; hopefully, his failure to properly comply with the City Code in this case is nothing more than an isolated incident. We expect that Mr. Acosta will take heed of this Letter of Instruction and conduct himself accordingly.