



## **LETTER OF INSTRUCTION**

**To:** Juan Mayol and Jose Luis Castillo

**From:** Miami-Dade County Commission on Ethics and Public Trust

**Re:** Ethics Complaint C13-02 (MacDougall v. Mayol and Castillo)

**Date:** November 2014

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An ethics complaint was filed by Edward MacDougal, the Mayor of the Town of Cutler Bay, against lobbyists Jose Luis Castillo (Castillo) and Juan Mayol (Mayol) for violating Town Ordinance 07-02.<sup>1</sup>

In August 2013, the Miami-Dade County Commission on Ethics and Public Trust accepted a stipulation to probable cause and settlement agreement that called for Respondents to plead No Contest to violating the Town's ordinance, paying a fine of two-hundred and fifty dollars (\$250.00) and accepting a Letter of Instruction.

WHEREFORE, the Commission on Ethics and Public Trust issues this Letter of Instruction:

The relevant portion of the Town's ordinance, entitled "Lobbyists and Principals", provides that:

- (A) All paid lobbyists, as may be defined by the Miami-Dade County Code, shall:
- (1) Register with the Town Clerk on the proscribed disclosure form as provided by the Town Clerk and pay annual fees of \$250 for each lobbyist prior to lobbying any Town Council member, employee, board or committee member;
  - (2) Disclose in writing all persons and/or entities the lobbyist is representing upon registering and update this list within ten (10) days of being retained by a new principal or for a new project of an existing principal; and

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<sup>1</sup> A second allegation, which alleged a violation of Section 2-11.1 (s) (2) (b) of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance was dismissed for lack of probable cause.

**(3) Disclose in writing all Town government officials directly contacted by the lobbyist and any expenditures involved as defined by State law, before the public hearing.** (Emphasis added)

Any violation of the above shall render the issue being lobbied for or sought by the principal voidable. Violation of this section shall be punishable by a fine of \$250 in addition to any other remedies allowed by law.

Investigation determined that Respondents, Castillo and Mayol, registered as lobbyists on an application to re-develop a vacant parcel of land located on S.W. 208<sup>th</sup> Street and Old Cutler Road. The so-called "Publix" application was proposed by applicant Paradise Group Ventures, LLC. The public hearing(s) on the application were held on November 28, 2012 and January 16, 2013. The application was denied.

Respondents admit that they did not comply with the disclosure requirements in that they failed to disclose, in writing, all contacts with Town officials, and any expenditures involved in their representation of the principal(s). However, the Town Clerk, Debra Eastman provided copies of e-mails from Town officials reporting *their* communications with lobbyists Mayol and Castillo. Pursuant to the e-mails, Councilmember Peggy Bell (Bell) reported that she met and conferred with Castillo on three (3) occasions prior to the 11/28/12 Town Council meeting. Bell reported that she e-mailed and met with Castillo on three (3) additional occasions prior to the January 16, 2013 Town Council meeting. Bell reported meeting with Mayol on one occasion prior to the January meeting and Mayor MacDougall reported having a telephone conversation with Mayol on the day before the Town Council meeting. Eastman stated that neither Castillo nor Mayol filed corresponding written disclosures of the aforementioned contacts prior to the subject meetings.

Respondents, while acknowledging their failure to comply with the Town ordinance, argued that the violation was de minimus since the Town officials did, in fact, disclose the communications.

Respondents are reminded that even though the disclosures by the elected officials may have served to ameliorate the damage caused by their violation; the obligation to file the disclosures was their responsibility.

The Town's ordinance goes further than most lobbyist ordinances by requiring the lobbyists to disclose who it was they communicated with. As professional lobbyists, Respondents are expected to be aware of the many rules and regulations that police their profession and to follow those rules.

This Commission is hopeful that Respondents will take this Letter of Instruction to heart and ensure their compliance with all lobbyist registration and reporting rules all their future endeavors.