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In re:
Beckham, et. al

C 18-48-10

PUBLIC REPORT AND FINAL ORDER

Complainant, David Winker filed the above-referenced complaint against Respondents, Pablo Alvarez, David Beckham, Marcelo Claire, Miguel de Grandy, Isabel Diaz, Iris Escarra, Carlos J. Gimenez, Barbara Hardemon, Jared Lindsey, Jurgen Mainka, Steven Marin, Paul McDonough, Jorge Más, José Más, Richard Perez, and Dennis Sprenkle alleging that Respondents violated Section 2-654 of the City of Miami Code, *Lobbying Ordinance* (the Ordinance), by the following actions: engaging in unregistered lobbying (Beckham, Claire, Jorge Más, José Más), failing to properly register on behalf of Miami Freedom Park, LLC: (Alvarez, Beckham, Claire, Escarra, Gimenez, Hardemon, Jorge Más, José Más, Lindsey, Marin, and Perez); lobbying without completing the required ethics course: (Beckham and José Más); and, failing to disclose the name of each Principal represented and all persons who hold a 5% or more ownership interest in the Principal corporation: Alvarez, Beckham, de Grandy, Diaz, Escarra, Gimenez, Hardemon, Lindsey McDonough, Mainka, , Marin, Jorge Más, José Más, Perez and Sprenkle.

The Ordinance states, in pertinent part, that a lobbyist is a person, firm or corporation *employed or retained by a principal* who seeks to encourage the passage, defeat or modification of [official] action.

Investigation revealed all Respondents alleged to have engaged in unregistered lobbying were not engaged in any activities which constituted lobbying under the Ordinance or past Ethics Commission opinions and determinations. In addition, there were no facts alleged to support Respondent Lindsey's unregistered lobbying.

Investigation also revealed that all Respondents alleged to have improperly registered on behalf of Miami Beckham United, LLC, instead of Miami Freedom Park, LLC, were registered under the Principal which retained them, in accordance with the plain meaning of the Ordinance. Furthermore, as to the allegation that David Beckham and José Más lobbied without completing

the required ethics course, the investigation revealed that neither individual engaged in lobbying activities while their lobbyist registrations were presumably "de-activated."

Lastly, investigation into Respondents' failure to disclose the 5% ownership information on their lobbyist registration forms required by the Ordinance triggered a review by Ethics Commission staff into the procedures and practices of the County and its municipalities (including the City of Miami) on the application and enforcement of this Ordinance requirement, resulting in several jurisdictions failing to ask for or enforce this requirement.

On March 13, 2019, in closed session, the Ethics Commission held a probable cause hearing and found that there was no probable cause that the Respondents violated the Ordinance. The Commission also found that the allegation against Respondent Lindsey was Not Legally Sufficient.

In open session, the Ethics Commission voted unanimously and dismissed the case as to the afore-mentioned Respondents.

Wherefore it is:

ORDERED AND ADJUDGED that COMPLAINT C18-48-10 against all Respondents is hereby dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on March 13, 2019.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:



H. Jeffrey Cutler

Chair

Signed:

03-20-2019