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New Homestead mayor faces campaign violation

The Miami-Dade Commission on Ethics and Public Trust today found probable cause to a complaint (C 09-30) filed against the new mayor of Homestead by the politician he ousted this fall. Former Mayor Linda Bell charged that Steve Bateman violated the Voluntary Fair Campaign Practices Act by claiming this past fall that he was endorsed by Miami-Dade Mayor Carlos Alvarez. Bateman was endorsed by Alvarez when he ran unsuccessfully for office in 2007 and he used a campaign flyer from that race in the recent contest without receiving Alvarez's endorsement for 2009. The charge will be set for a public hearing. The Ethics Commission dismissed three other allegations concerning Mayor Bateman's campaign.

A finding of NO probable cause was issued in a complaint (C 09-28) against South Miami City Commissioner Valerie Newman, who had been accused of accepting a contribution from a city vendor, which is against city code. During her recent campaign, she did receive a donation from Ron Stroyne, who sold his company in 2006 to LAZ Parking, a current city vendor. Part of the contract has LAZ paying Stroyne's health insurance, but the investigation found that he is not an officer of the company and the contribution was made from him personally, so no violation occurred.

Three related complaints (C 09-16, C 09-17 and C 09-18) were dismissed by the Ethics Commission. Attorneys Juan Mayol, Joseph Goldstein and Richard Perez registered as lobbyists for a developer seeking changes in the Comprehensive Development Master Plan. During the application process, the property changed hands but the applicants remained the same. The investigation determined that after the master plan process was completed and before the zoning application was filed, the lobbyists did register on behalf of the new company.

However, a second count in C 09-16 prompted the Ethics Commission to clarify -- through a letter of guidance -- the listing of lobbyist expenditures that should be reported. Juan Mayol did file a required expenditure report, but it did not disclose \$30,000 paid to South Miami-Dade community activist Kentward Forbes to bring speakers to public meetings to show support for the projects. It was determined that many local lobbyists have interpreted current law as not requiring a listing of fees paid to community organizers as "lobbying expenditures."

A man who wants to take part in the City of Miami's First Time Homebuyer's Down Payment Assistance Program requested an opinion (RQO 09-44) on whether his mother's employment as a loan specialist in the agency that oversees that program prevents him from applying. According to the head of the Department of Community Development, Maria Gomez has no discretionary duties associated with approving or denying loans. The Ethics Commission opined that as long as Daniel Gomez meets all criteria for the program, the city manager approves his participation, his mother's employment status is disclosed in all relevant documents and his mother doesn't participate in the administration of his loan, then Mr. Gomez should be allowed to apply.

In RQO 09-45, a Construction and Renovation Supervisor for the County Parks and Recreation Department asks if he can serve as a qualifier for a local construction company on local road projects. The Ethics Commission decided that Daniel Crawford may do the outside work as long as he does not participate in any bid or contract for Miami-Dade County.

Crawford also must provide his department with a list of all of the private company's clients semi-annually and may not use county time or resources on projects related to his outside employment.

Finally, Ethics Commissioners paid tribute to their colleague Erica Wright, who resigned her position to run for the District 5 seat on the Miami City Commission. Ethics Commission Chair Kerry Rosenthal presented Wright with a plaque, praising her for serving "with honor and distinction." As required by the County Charter, the chief judge of the Eleventh Judicial Circuit Court will appoint a replacement. The candidate must have served as a U.S. attorney or assistant U.S. attorney, state or assistant state attorney, county or assistant county attorney, or city or assistant city attorney.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education and outreach, the Commission seeks to empower the community and bolster public trust.

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