

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, November 28, 2016 9:42 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Jeffrey Bercow, Esq., Lobbyist (Lobbying) INQ 16-258

[INQ 16-258 Bercow](#)

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**From:** Jeffrey Bercow [mailto:[jbercow@brzoninglaw.com](mailto:jbercow@brzoninglaw.com)]  
**Sent:** Wednesday, November 23, 2016 4:46 PM  
**To:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Cc:** Sanchez, Gerald (CAO) <[Gerald.Sanchez@miamidade.gov](mailto:Gerald.Sanchez@miamidade.gov)>; Kirtley, Eddie (CAO) <[Eddie.Kirtley@miamidade.gov](mailto:Eddie.Kirtley@miamidade.gov)>; Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>; Perez, Martha D. (COE) <[perezmd@miamidade.gov](mailto:perezmd@miamidade.gov)>; Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>  
**Subject:** RE: INQ 16-258 Jeffrey Bercow, Esq., Lobbyist (Lobbying)

Thank you, Mr. Centorino.

Have a great Thanksgiving weekend!

Regards,

Jeff

<a href="#">Bio</a>	<a href="#">Vcard</a>
<p><b>JEFFREY BERCOW, ESQ.</b></p> <p>Bercow Radell &amp; Fernandez, P.A. 200 South Biscayne Boulevard, Suite 850 Miami, FL 33131</p> <p>305.377.6220   Office 305.898.3881   Cell 305.377.6222   Fax <a href="mailto:jbercow@brzoninglaw.com">jbercow@brzoninglaw.com</a></p>  <p><b>BERCOW RADELL &amp; FERNANDEZ</b> ZONING, LAND USE AND ENVIRONMENTAL LAW</p> <p><a href="http://www.brzoninglaw.com">www.brzoninglaw.com</a></p>	

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**From:** Centorino, Joseph (COE) [<mailto:Joseph.Centorino@miamidade.gov>]

**Sent:** Wednesday, November 23, 2016 4:16 PM

**To:** Jeffrey Bercow <[Jbercow@brzoninglaw.com](mailto:Jbercow@brzoninglaw.com)>

**Cc:** Sanchez, Gerald (CAO) <[Gerald.Sanchez@miamidade.gov](mailto:Gerald.Sanchez@miamidade.gov)>; Kirtley, Eddie (CAO) <[Eddie.Kirtley@miamidade.gov](mailto:Eddie.Kirtley@miamidade.gov)>; Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>; Perez, Martha D. (COE) <[perezmd@miamidade.gov](mailto:perezmd@miamidade.gov)>; Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>

**Subject:** INQ 16-258 Jeffrey Bercow, Esq., Lobbyist (Lobbying)

Mr.Bercow:

You have inquired regarding whether certain individuals retained through Florida TaxWatch, a non-profit entity hired as a consultant by your client, South Florida Taxpayers' Alliance, Inc. (SFTA), as related in your below email would be required to register as lobbyists pursuant to Section 2-11.1(s) of the County Ethics Code. The consultant was hired to provide expert, technical assistance regarding the impact of two proposed developments which will be heard shortly by Community Council #5 at a hearing that you have characterized as not quasi-judicial but legislative. Your client seeks to oppose the two development projects, one of which is American Dream Miami's application to develop a mega-mall, and the other of which is an application filed by Graham Companies for the development of a business park, also with retail and residential components. You and others associated either with your firm or SFTA will be registered lobbyists during any attempt by them to influence the decision of the Council. The members of Florida TaxWatch who will be offering their services in connection with the study that they have conducted on behalf of SFTA, to the extent they will be involved in any presentation, will be involved only in explaining and communicating details concerning the technical study completed by them regarding the estimated impact of the potential developments. They will not be involved in any advocacy for the position taken by SFTA other than their presentation of the noted report.

Under these circumstances, it is my opinion that Subsection 2-11.1(s)(1)(b) exempts them from the lobbyist registration requirement in that they will be acting only as "expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings..." See INQ 16-32 and INQ 13-304.

Sincerely,

*Joseph M. Centorino*

Executive Director and General Counsel  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 579-2594  
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**From:** Jeffrey Bercow [<mailto:Jbercow@brzoninglaw.com>]  
**Sent:** Wednesday, November 23, 2016 3:10 PM  
**To:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Subject:** FW: Expert Witnesses  
**Importance:** High

See below.

Bio	Vcard
<p><b>JEFFREY BERCOW, ESQ.</b></p> <p>Bercow Radell &amp; Fernandez, P.A. 200 South Biscayne Boulevard, Suite 850 Miami, FL 33131</p> <p>305.377.6220   Office 305.898.3881   Cell 305.377.6222   Fax <a href="mailto:jbercow@brzoninglaw.com">jbercow@brzoninglaw.com</a></p>  <p><b>BERCOW RADELL &amp; FERNANDEZ</b> ZONING, LAND USE AND ENVIRONMENTAL LAW</p> <p><a href="http://www.brzoninglaw.com">www.brzoninglaw.com</a></p>	

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**From:** Jeffrey Bercow  
**Sent:** Wednesday, November 23, 2016 11:50 AM  
**To:** 'centori@miami-dade.gov' <[centori@miami-dade.gov](mailto:centori@miami-dade.gov)>  
**Cc:** Gregory Fontela <[gfontela@brzoninglaw.com](mailto:gfontela@brzoninglaw.com)>  
**Subject:** Expert Witnesses  
**Importance:** High

Dear Mr. Centorino,

As you requested, we are seeking your confirmation that consultants with whom we are working qualify as “expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings” and therefore are excluded from the definition of “Lobbyist” under Section 2-11.1(s) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

As we discussed with you, our firm represents South Florida Taxpayers Alliance, Inc., (SFTA) which is a not-for-profit corporation formed by several regional mall owners. SFTA has hired our firm (and we have registered as lobbyists) to express concerns regarding applications to amend the County's Comprehensive Development Master Plan filed by International Atlantic LLC and by The Graham Companies. International Atlantic LLC has filed an application in order to allow the development of the "American Dream Miami" project, consisting of approximately 6.2 million square feet of retail and entertainment space, along with 2,000 hotel rooms. The Graham Companies have filed an application on adjacent lands that seeks an amendment of the comprehensive plan in order to allow development of 3 million square feet of business park use, 2,000 multi-family rental dwelling units, and 1 million square feet of commercial retail space. SFTA has hired our firm, and other consultants to express concerns regarding the impacts of these two filed applications.

One of the consulting firms that SFTA has hired is Florida TaxWatch. Florida TaxWatch (<http://www.floridataxwatch.org/>) is a well-respected, non-profit government research institute and fiscal watchdog with a stated goal to "improve the efficacy, productivity, and accountability of government in Florida by providing policymakers and the public with independent, evident spaced impact analysis and policy recommendations." The research provided by Florida TaxWatch explains the impact of fiscal and economic policies and practices on citizens and businesses.

SFTA has hired Florida TaxWatch to provide an analysis of the following issues:

- Review the amount of vacant industrial and office land countywide, in the northwest quadrant of the County as well as closer to the properties that are the subject of the pending applications, utilizing databases available from the Miami-Dade County Property Appraiser as well as the Miami-Dade County Department of Regulatory and Economic Resources. This data will be compared to long-term absorption trends of industrial and office land in order to evaluate the capacity to support industrial and office development.
- Estimate the current stock of vacant business and office land, countywide and in the northern planning tier of the County, utilizing the data bases set forth above, and compare such inventory to the near term and future demand for retail in the County, its Northern Planning tier, and the broader region.

- Using the REMI model, estimate the net economic and fiscal impacts from the proposed developments.
- Detail the functional differences between the Minneapolis Mall of the Americas and its region, in comparison to the current southeast Florida retail market.

Florida TaxWatch has prepared a report setting forth its findings, and Florida TaxWatch representatives are prepared to appear before the Community Council, the Planning Advisory Board, and the Miami–Dade County Board of County Commissioners in order to present their analyses and the conclusions reached in their final report. Florida TaxWatch representatives have not lobbied, or otherwise advocated a position, to Miami–Dade County staff, or members of the Community Council, Planning Advisory Board, or the County Commission.

We request your confirmation that under the circumstances as described above, the employees of Florida TaxWatch who will present testimony at the hearings before the Community Council, Planning Advisory Board and Board of County Commissioners are “expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings”, and therefore are excluded from the definition of lobbyists set forth in Miami–Dade County Code Section 2–11.1(s).

Please let me know if you have any questions regarding this matter.

Sincerely yours,

Jeffrey Bercow

[Bio](#)

[Vcard](#)

**JEFFREY BERCOW, ESQ.**

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