

MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST



In re:

Miguel Diaz de la Portilla
Laura Russo

COMPLAINT NO. C 21-08-04 A, B

PUBLIC REPORT AND FINAL ORDER

Complainant, Gables Accountability Project, filed the above-referenced complaint against Respondents, Miguel Diaz de la Portilla and Laura Russo, alleging that Respondents violated Section 2-11.1(s) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (County Ethics Code), entitled *Lobbying*, and/or Section 2-305 of the City of Coral Gables Code, its municipal counterpart by: engaging in unregistered lobbying and failing to register when they communicated with City personnel on a tree removal and/or mitigation issue regarding the removal of trees from Grand Avenue right of way, a County road, to make way for the future Wawa development.

The Lobbying Ordinance defines a lobbyist as a person retained by a principal, to encourage the passage, defeat, or modification of an action or decision of the [City] Commission; or the action, decision, or recommendation of the [City Manager] or any [city] board or committee. A lobbyist is required to register before engaging in lobbying activities.

A tree removal permit for Grand Avenue adjacent to 280 S. Dixie Hwy. (the Wawa site) had been obtained back in November 2020 from the County. Neither Mr. Diaz de la Portilla nor Ms. Russo had any involvement in that application or process. Investigation revealed that, on February 23, 2021, the City of Coral Gables Commission, following public comments, engaged in a discussion about tree mitigation alternatives on the Wawa site. Being fully aware that the County had already given a tree removal permit for the site, some of the Commissioners directed City staff to reach out to Wawa representatives to encourage them to consider mitigation as a show of good faith. Consequently, City staff emailed Ms. Russo (Property Owner Bahamian Village representative) explaining the City's mitigation requirements. Ms. Russo responded by informing the City that they had to reach out to Wawa, not Bahamian Village. Ms. Russo's response,

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clarifying who is the appropriate entity to consider the City's request, does not constitute lobbying communication triggering registration.

Thereafter, Mr. Diaz de la Portilla, who had been retained by Wawa in a legal advisor capacity, to advise on a pending civil lawsuit filed by the Complainant against the City on a matter directly affecting the Wawa development, learned of the mitigation issue, and requested records to familiarize himself with the City's tree mitigation laws. Mr. Diaz de la Portilla reached out to the City Attorney and asked what the City wanted to which she responded \$17,000.00 to the City's Tree Fund. Mr. Diaz de la Portilla communicated the request to Wawa and Wawa agreed via a letter to the City. A request for records or information does not constitute lobbying. Furthermore, the City's initiation of a request for a Tree Fund contribution from a contractor, which request was accepted, does not trigger lobbying registration, especially, when there was no negotiation over the permit for the tree removal or the site plans which had already been approved.

On June 9, 2021, 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.

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 C 21-08-04 A and B against the Respondents is hereby dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on June 9, 2021.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:



Nelson Bellido
Chair

Signed: _____

4/11/2021