

Biscayne Building  
19 West Flagler Street  
Suite 220  
Miami, Florida 33130  
Phone: (305) 579-2594  
Fax: (305) 579-2656

## Miami-Dade County Commission on Ethics and Public Trust

# Memo

**To:** Mike Murawski, Miriam Ramos  
**From:** Karl Ross, Kennedy Rosario  
**Cc:** Robert Meyers  
**Date:** July 7, 2006  
**Re:** K06-051 Sally Heyman

---

The investigation, to this point, supports the main allegations expressed in the Feb. 8 memorandum from the Inspector General's office. Whereas there do not appear to be any Cone of Silence violations, the investigation does establish that at the Jan. 18 agenda briefing in question, Commissioner Heyman directed staff, principally the County Attorney's Office (via Assistant County Attorney Monica Maldonado) to include former U.S. Rep. Carrie Meek and former State Rep. Mike Abrams in a federal lobbyist contract – even though their respective firms finished “out of the money.” (Only the top three firms made the cut.)

Five final bidders were invited to make presentations before the selection committee headed by the Department of Procurement Management. Three firms were awarded contracts, as per the procurement guidelines. The firms including Meek and Abrams were rated 4<sup>th</sup> and 5<sup>th</sup>. ) Several county officials interviewed by COE investigators present at the Jan. 18 agenda briefing corroborated the allegations regarding Heyman. As many as twenty county officials may have been present.

ACA Monica Maldonado, who represented the County Attorney's Office at that unrecorded briefing, provided investigators with a copy of her notes. The contract amounts as specified in a January 18, 2006 memo from County Manager Burgess to the BCC awarding the federal lobbyist contract states: “Each contract is valued at \$200,000.00 annually, plus up to \$100,000.00 per contract annually for work orders.

The contracts also include payment for approved optional services at the County's request on an as-needed basis, in the amount not to exceed \$75,000.00 annually in the aggregate for all three contracts." The Maldonado notes show the \$75,000.00 figure scratched out and changed to \$225,000.00. Maldonado attributes this \$150,000.00 increase / change to Heyman's directive / proposal.

Meek and Abrams were eventually awarded contracts for \$75,000 a piece as individuals, not to their respective lobbyist firms – again, at Heyman's behest.

Maldonado's notes also indicate Heyman sought to have Meek and Abrams included as "subs" (sub-consultants), though the April 10, 2006 resolution approving Abrams and Meek to participate in the federal lobbying contracts through "work orders" identifies them simply as consultants. The wording of this item was the subject of multiple e-mails between Heyman's legislative staff and the CAO. ACAs Hugo Benitez and Jess McCarty also participated in these discussions.

Office of Intergovernmental Affairs Director Joe Rasco told investigators Heyman's Jan. 18 directive caused an "awkward moment" at the agenda briefing, adding that her instructions to include Meek and Abrams "came out of nowhere." Even though Heyman's subsequent resolution adding Meek and Abrams only makes them available on an "as needed" basis, Rasco expressed concerns his office would be required to use their services by virtue of the resolution. He further acknowledged that Abrams' credentials as a Washington lobbyist were less impressive than other members of his firm, Akerman Senterfitt. He also questioned, albeit diplomatically, the political need to add two Democrats to the county's lobbyist team at a time when the White House and both chambers of Congress are controlled by Republicans.

Rasco also acknowledged hiring Abrams might be "redundant" since Abrams already represents Jackson Memorial Hospital, the county's main healthcare provider, as a lobbyist on federal issues. He added that it is possible some of the issues between JMH and the county may not overlap entirely. Rasco said, further, that he believes Heyman has the "legislative authority" to ask for the changes – adding Meek and Abrams – via resolution that was enacted in April, 2006.

At this point, investigators seek guidance as to whether Heyman's actions potentially violate the county's home-rule charter, Section 3.05 "Restrictions on the Mayor and Commission Members," section (B), stating: "Except for the purpose of transmitting constituent inquiry ... the Mayor and Commissioners shall deal with the administrative service solely through the County Manager's Office and neither the Mayor nor the Commissioners shall give orders to any subordinates of the Manager, either publicly or privately."

Assistant County Attorney Jess McCarty, who frequently drafts legislation involving lobbyists, and was the author of the April resolution suggested to investigators the charter would not restrict Heyman from directing staff on issues affecting the Office of Intergovernmental Affairs since the office reports directly to the Commission, citing of

a resolution sponsored by former Chairwoman Barbara Carey-Shuler that requires BCC prior approval of any lobbyist. He said he had consulted former County Attorney Robert Ginsberg on this matter.

It is also possible Heyman may have violated the Ethics Ordinance with respect to Section 2-11.1(g), *Exploitation of official position prohibited* in that it appears she acted to secure a benefit for Abrams / Meek, by manipulating the terms of the contract for federal representation. It must be noted that said ordinance also states “except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners” calls in to question whether the April ordinance, which took months to draft, falls in to the exception rule.

COE investigators seek guidance as to the above noted matters.

After careful review the Miami-Dade County Commission on Ethics & Public Trust determined that no violation of County ordinances was violated by Commissioner Heyman. The stipulation from the County Attorney’s Office as to validity of the resolution enacted on April 10, 2006 providing requesting