



## Miami-Dade Commission on Ethics & Public Trust

### Investigative Report

#### **Investigator:**

<b>Case K13-072</b>	<b>Case Name: Rep. Erik Fresen</b>	<b><u>Date Open:</u></b>	<b><u>Date Closed:</u></b>
<b>Complainant(s): Alleged possible improper lobbying by subject</b>	<b>Subject(s): Rep. Erik Fresen</b>	<b>May 16, 2013</b>	<b>July 30, 2013</b>

#### **Allegation(s):**

Information was received suggesting that state Rep. Erik Fresen may have violated the lobbyist section of the Miami-Dade County ethics code by appearing before the Homestead City Council without first registering on behalf of an applicant for a proposed charter school development.

#### **Relevant Ordinances:**

Conflict of Interest and Code Ethics Ordinance  
Miami-Dade County Code Section 2-11.1, subsection (s), titled "Lobbying."

#### **Investigation**

An inquiry was opened following the May 15, 2013, Homestead City Council meeting during which state Rep. Erik Fresen spoke on behalf of an application relating to a proposed charter school project – the Somerset Academy of South Homestead – to be built on a three-acre parcel of land fronting US 1 and NE 4th Drive. Rep. Fresen appeared to be acting on behalf of Academica, the operator of the proposed charter school or an affiliated design firm, Civica. The hearing in question was a publicly noticed quasi-judicial proceeding in which the Homestead City Council was acting as a quasi-judicial body.

For the purposes of the above-captioned matter, it would appear that Rep. Fresen did not violate subsection (s) of the county's ethics code relating to lobbyists in that his involvement on behalf of the developer would be exempted since the code specifically excludes "attorneys or other representatives retained or employed solely for the purposes of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications."

According to a report in the Miami Herald, Rep. Fresen is a land-use consultant for Civica and receives an annual salary of \$150,000. The report states he previously worked as a lobbyist for Academica, the charter school operator, and notes he is related by marriage to Academica's CEO, Fernando Zulueta.

#### ***Interviews***

COE interviewed Homestead City Manager George Gretsas regarding this matter, and Mr. Gretsas advised that he was not aware of any further contact between Rep. Fresen and City staff or elected officials regarding the pending items discussed at the May 15 public hearing. As a result of the hearing, the City Council unanimously approved a site plan and special exception for the project. Homestead planning and zoning staff also issued a favorable recommendation for the project.

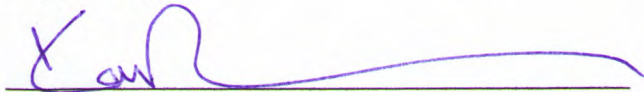
#### ***Document/Audio/Video Review:***

Among the items reviewed were city council minutes and agendas, planning and zoning records, correspondences with city officials, lobbyist registration records and press accounts.

**Conclusion(s):**

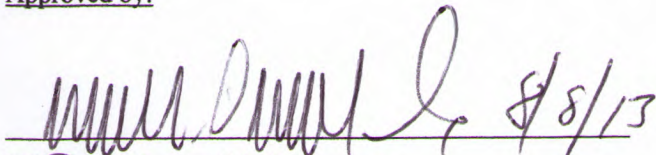
A review of public records shows the actions in question were made during a publicly noticed quasi-judicial public hearing. As a result, it does not appear that Rep. Fresen acted contrary to the county's ethics code as it relates to the lobbyist section. Accordingly, this matter should be closed without further action.

(Signature)

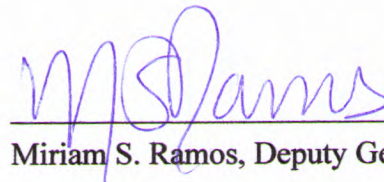


(Investigator's name), COE Investigator

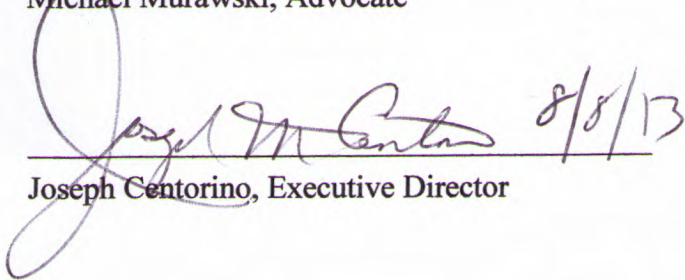
Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director