



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Robert Steinback

Case No.: K14-038	Case Name: Starks lobbying	Date Open:	CASE CLOSED Date: <u>5/28/14</u>
Complainant(s): Timothy Holmes	Subject(s): Dante Starks	April 11, 2014	

Allegation(s):

Complainant Timothy Holmes (Holmes), Commissioner for the City of Opa-locka, alleges that the subject, Dante Starks (Starks), acted as a lobbyist when he spoke before the City Commission on behalf of Cairo Lane businesses without properly registering with the city.

Relevant Ordinances:

Subject is alleged to have violated Article I.5 of the City of Opa-locka Code of Ethics; Conflict of Interest ordinance, Section 2-18 (c), which reads in relevant part, *All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to so register shall (a) register on forms prepared by the city clerk, (b) pay a registration fee of three hundred dollars (\$300.00) and (c) state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issues on which he or she has been employed to lobby.*

Also, Sec. 2-11.1(s)(2) of Miami-Dade Conflict of Interest and Code of Ethics Ordinance, *Lobbying: all lobbyist shall register with the Clerk of the Board of County Commissioners within three (3) business days of being retained as a lobbyist or before engaging in any lobbying activities...*

Investigation:

Interviews

Jesus Lopez, owner of ASAP Car Recycling, 13205 Cairo Lane, Opa-locka. Monday, April 21, 2013, about 2:45 p.m., at the business.

Summary of interview

This investigator stopped at a random business on Cairo Lane in Opa-locka on this date to inquire about the role Starks played at the April 11, 2014, regular City Commission meeting on behalf of the businesses. The employee at that business directed me to ASAP Car Recycling, saying that the owner there was instrumental in organizing the Cairo Lane businesses.

This investigator met with ASAP owner Lopez the same day. Lopez' business is one of 60 to 80 business, most of them auto recycling (junkyard) enterprises, located on Cairo Lane, Alexandria Lane, Port Said Road and Northwest 127th Avenue whose owners have been complaining for upward of 20 years about the deplorable condition of those roads. The four streets are nearly impassable due to deep potholes resembling bomb craters, and the lack of proper drainage causes even minor rain to result in terrible flooding. Despite this, heavy trucks (some of them illegally overweight, according to some of the business owners) ply the road daily, continually adding to the road damage. There are no sewers along the street and no drainage, and the street is only partially served by fire hydrants.

Lopez said his business has been located on Cairo Lane for 20 years. "Our problem is that we have paid so many taxes – look [at the condition of the street] and see and tell me if it's OK to do business this way."

Lopez referenced a plan by the City Commission to use about \$40 million in state loans [later determined to be \$48 million] to fund road improvements throughout the city. Lopez said the plan was discussed at a special meeting of the Opa-locka Commission held the previous Friday. To his knowledge the street plan hadn't been finalized yet. The Cairo Lane reconstruction would include Alexandria Lane, Port Said Street and NW 127th Street.

Regarding Starks, Lopez said, "He just pretty much said, 'I will advise you.' This guy has to do things in the city. [He said,] 'I would be happy to help show you how things should be done.'"

Asked how he had made contact with Starks, Lopez said, "I called him. I said, 'Listen, can you help us out with this over there?' He has a lot of branches [presumably meaning, connections] within the city."

Lopez said he asked Starks, Could you advise me? Lopez also called Marie Green, and gave two numbers for her. [This name may not be correct, as the investigator did reach a woman named Green at the first number, but who said her first name was not Marie.]

Asked about Starks' fee, Lopez said, "We pay him nothing. Zero, zero, zero." He said there

Kelvin Baker (Baker) – (305) 953-2821 left message Tuesday April 22, 2014 – Interview by phone **April 24, 2014**, 4:35 p.m.

Summary of Interview

Baker said, “I’ve been back forth to Tallahassee, a state revolving loan fund, [regarding] areas that flood badly during rainfall. It’s not just Cairo Lane. They [the business owners] just wanted to make sure their project went first. The project is citywide infrastructure. Ultimately the money will come from property owners. About \$35 million, it’s water, infrastructure, wastewater and storm water infrastructure, underground pipes, not changed in 30-40 years, in some areas, there is no drainage at all, the case over there. Restoration is part of it.”

Baker said, “There have been promises made over the years that something like this would take place and it never came to pass, so the businesses are skeptical that it would happen.” He said the city had just issued notices to proceed for engineers to do the design work, and that actual construction probably could not begin before the last quarter of the calendar year. He noted that the engineering work for the Cairo Lane district was complex, and was made even more difficult in that it would be necessary to be able to maintain access to the businesses during construction. He said bid specifications were still being prepared. He said he hoped business owners would understand that other projects under the road plan might start earlier because the engineering challenges were not as difficult and could be completed sooner.

Baker said the city has made it clear to the designers how critical the Cairo Lane area is. He added that another area, east of Northwest 27th Ave near the 141st area commercial area, was equally bad.

Baker said the business owners have joined together because they feel that being united on this issue will make them more successful. Baker said the business owners had not formed a formal association.

END INTERVIEW

Dante Starks (Starks) – interviewed Thursday, May 1, 2014, by telephone, about 12:40 p.m.

Summary of Interview

Starks said, “I know some of the people over there [on Cairo Lane], Jesus from ASAP [Recycling], he had been trying to galvanize the people there to get something done. I saw them speaking at a meeting 6-8 weeks earlier.”

“I have known Jesus for a long time. I went to him after I saw him. About conditions... I explained to them [how] to approach the commission how to get some resolution. We had come to an agreement, him and some owners, that their speaking [individually] didn’t work and they would allow me to speak for them.”

Starks suggested looking at the video of the meeting about six to eight weeks earlier, citing a confrontational atmosphere between the business owners and certain commission members. He said “Some [of us] were told to sit down.” It appears Starks was referring to a City Commission meeting on February 12, 2014.

Starks said he was “Absolutely not hired. I put this on the record, never asked them for anything. I’m not there in that manner. I am not looking personally for a gain, for a receipt or anything. I was just there as an organizer, that’s it.”

Starks said there was no formal or established organization of Cairo Lane businesses, not like a homeowners association. He said he worked primarily through Lopez, although he had had some contact with other business owners, though Starks described that as “not much.”

Starks said he envisioned no ongoing role for himself in the matter. He said, “No, I don’t expect to be representing them again.”

END INTERVIEW

Rod Vereen, identified himself as Starks’ attorney. Spoke by telephone Thursday, May 01, 2014.

Attorney Rod Vereen called, but this investigator told him that he had no questions for the attorney as he had already spoken with Starks.

Document/Audio/Video Review:

Video DVD copies of the regular Opa-locka City Commission meetings of April 11, 2014, and February 12, 2014, and the special City Commission meeting of April 9, 2014, supplied by Opa-locka City Clerk Joanna Flores.

Of particular relevance is the appearance of Starks before the City Commission on April 11. The dialogue of that appearance, during the “public comments” section of the meeting, is reproduced here in its entirety (transcription by the investigator). Note that the address Starks gives for himself is actually Lopez’ business address.

Speaker: “Dante Starks, 13205 Cairo Lane. Madame Mayor, for the sake of time, I’ll be the only one speaking so we won’t have numerous speakers. Per you, the manager sent out an invitation to the Cairo Lane businesses for a meeting through Mr. Chiverton, We met with the manager and his senior staff, that included Mr. Chiverton, Mr. Mohammad and Mr. Gates. He laid out his time line for the design of Cairo Lane, when the construction could possibly begin after the bidding in that process.

Overall, we’re very happy. Extremely happy. After a couple of decades we’re starting to see the light at the end of this tunnel. They also talked about some temporary fixes, where you go through and you come out with a different type of car.

The manager did visit the site with the owners, and we’re also very happy with that.

We also discussed 127th Street, which on the county role is still not a dedicated street. But Mr. Mohammad has already started the work with the traffic lights. The whole nine yards to move that traffic, because we’re going to have to do temporary roads coming in and going out, because they’re going to have to do night work so they don’t disrupt the business, which is another very, very good idea.

[I was] Somewhat taken aback sitting here tonight, when I start getting taps from some of the business owners, when the resolution was being presented, or at least expressed, directing the manager. I can tell you right now, with the meetings we had with the manager, we don’t have any problem with the manager. But I understand how this process goes. The manager doesn’t move anything without three of you all up there. That’s been said a million times

Unless three of you all direct him, and it’s not that he’s not going to do it, these funds that are coming down. If something else comes up, somebody else starts coming out of the woodwork. You being who you are, you’re going to try to appease everybody. They [the Cairo Lane businesses] have been waiting over two decades. If we can’t do it tonight, we’d like to see it come back later, it gives the manager a comfort level,

To sit up there, for them, after all they’ve gone through. They’re coming in peace. Nobody is going to talk but me. And I told them what we want to do is be good neighbors to the city. And they all agreed on that.

You ought to be proud of the manager and his staff. They went a little beyond ...

I know I'm over my three minutes, for the sake of time because the Heat is coming on at 8 o'clock. I'm 'going to go ahead and relinquish this back to you.

Commissioner Holmes: Mr. Dante, you've been hired to speak for these people as a lobbyist?

Starks: Let me put this on the record before you make the call downtown. Madame Clerk, I am in a non-paid, non-compensatory status. As commissioner Johnson says, verbatim. Verbatim, I am not being paid. If I was, I would have signed up.

Holmes: That was not my question to you, Mr. Starks.

Dante: That was your allegation, Commissioner Holmes, and I really don't take kindly to it, for you to come out and say that I am in a lobbying position. I really think that is disrespectful.

Mayor Taylor: Excuse me, anybody see this?

Holmes: Madame Mayor...

Taylor: Just a moment. Let's... you say you come in peace.

Starks: And I did, until he made that comment.

Taylor: That's fine, come in peace. Commissioner Holmes, that's why I didn't want...

Holmes: I know, but I needed to put this on the record. I can't make it no more clear than I did, Mr. Dante, are you being hired as a paid lobbyist for these people?

Starks: Check with the clerk's office.

Taylor: And he answered. (To Starks) Stop. He's answered, no.

Holmes: He didn't respond to my answer [sic].

Taylor: He said no. He said no.

Holmes. He didn't say no at first, mayor. He went off on another direction...

Mayor: Yes sir. But your question was answered.

Holmes: Let me say this to the people on Cairo Lane. You on Cairo Lane, don't think we don't know about the road, don't think we don't know what needs to be done on that road. We have repaired that road numerous times. But here, passed last year, we passed a \$48 million bond. And so it happens this year that we have \$20 million, it's a \$10 million infrastructure that you're supposed to start some time, if not this month, then next month We have a diagram, whatever streets you want to start on. Whatever streets we're going to start on ...

If anybody knows the condition of that road on Cairo Lane, I know. I was looking at legislation in my office yesterday, in 2011. We directed people to go down there and fill potholes. We've been doing that for years. Even when Manny was down there on the end. If you've been there 15 20 years, you probably know Manny. You know at one time he tried to get you all to come together, get some money together, so we could all try to do something better for that road. Even the mayor tried to set up a, what do you call it, a tax ... what... a few months ago, but you all turned it down. So what I'm saying to you is, now, in the next month or two, we have a \$10 million infrastructure, we getting ready to start the infrastructure ... road, 30th Avenue is one, and a couple more, until we, we're going to do it in pieces, OK? So just be patient. Don't let nobody get you all upset and running up into us. We can't do no more than we can do until the manager tells us the money is there to do it with. OK? So just be patient. You don't have to get upset. We all know the condition of that road. Thank you.

Starks: We have been patient for two decades, Madame Mayor. Just put that on the record, it's not yesterday. It's been two decades. They've been patient.

Mayor: Excuse me. No, no, no, everybody has talked. Commissioner Johnson is going to be the last. We said were going to stay in peace. Is that right? Is that right. Commissioner Johnson is going to be the last.

Holmes: If not, we got the chief sitting over that.

Taylor: No, no, no, I don't want that. They came in peace.

Santiago: Madam mayor?

Taylor: Wait a minute, commissioner.

Johnson: (To Starks) Un-uh. Don't entertain that.

Taylor: The only person that is talking now, the chair is only going to recognize Commissioner Johnson, and (to Starks) I thank you so much. I thank you all so much. And then we'll move on. Commissioner Johnson.

Johnson: To the manager, Mr. Manager, I haven't seen the design, but I hope the design includes the fire hydrants. Because when there was a fire in that area, it could have been worse. You with me? I wanted to come back with legislation. Hopefully that is included. During my ten years here, some days you can tell the manager what to do, but then there are other days I've heard that 'if there is not legislation, it ain't nothing.' But I wanted legislation. I don't want, I told you, I don't know, it's in the minutes. I would like to have legislation. I asked you to go on a tour with me. I'm putting it on the record, down in that area, and I'm glad that you set the meeting up. However, I want this to come back as legislation. OK, thank you very much.

Copy of the City of Opa-locka's Transportation master Plan & Enhancement Study, Phase I, provided by COE investigator Karl Ross.

Analysis

It isn't hard to understand why the owners of the 60 to 80 businesses, most of them auto recycling (junkyard) enterprises, located on the quadrangle of streets encompassing Cairo Lane, Alexandria Lane, Port Said Road and Northwest 127th Avenue, have become frustrated after more than 20 years of inadequate action regarding the deplorable condition of those roads. The four streets are nearly impassable even in good weather due to deep potholes resembling bomb craters. Due to the lack of sewer lines and proper street drainage, even minor rain can result in terrible flooding. One employee of a Cairo Lane business reported to the City Commission that he has endured repeated flat tires and broken axles on his car during his 10 years working there. Another former city official testified to the Commission that the problem is that the Cairo Lane area was literally built over a filled-in lake, so that given the lack of drains and sewers, water naturally pools there. One business owner suffered a fire in his shop earlier this year, and lost much of his stock because, he reported, the city firefighters initially couldn't even recognize that Cairo Lane was a street; when they did, their trucks had to inch along the road around the potholes, and when they finally reached his business near the south end of the road, they discovered that the fire hydrant system ended some 400 yards to the north, and so they needed to request additional equipment to extend their hoses far enough to reach.

The City Manager's office during the last year has arranged for \$48 million in state loan financing for road, sidewalk and drainage improvements throughout the city. A city wide plan was approved that included the Cairo Lane quadrangle.

Still, shortly after the fire, a number of the business owners attended the City Commission meeting of February 12, 2013, to complain about the conditions. Upon viewing the video of that meeting, it could be seen that at least two commissioners, Mayor Myra Taylor and Commissioner Timothy Holmes, seemed to take particular umbrage at being accused by the business owners of inaction and of not being responsive to the pleas of the merchants. The business owners, though unhappy, were not uncivil, but the two Commissioners' responses, especially that of Taylor, did appear to be unduly harsh. Another Commissioner, Dorothy Johnson, even expressed some distress upon observing that some business owners were

leaving the chamber “shaking their heads” at how they were received.

Somewhere between the Commission meetings of February 12 and April 11, 2014, Starks offered his services to the Cairo Lane businesses. Starks said he already knew many of the owners in that area; Lopez, who seems to have assumed a *de facto* leadership role among the business owners, said he was familiar with Starks and approached him. It is not clear to this investigator who, in fact, initiated the collaboration.

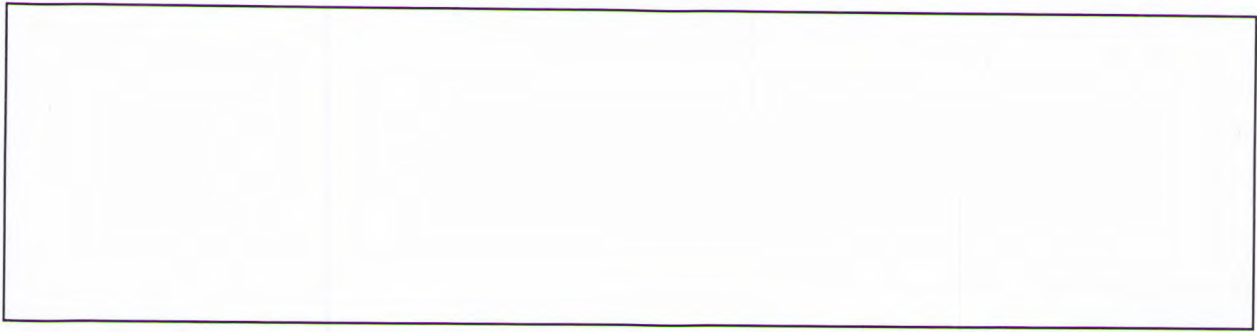
However it happened, Starks persuaded Lopez that rather than risk a repeat of the tense February 12 scene, he would speak on behalf of the owners. It should be noted that in his comments to the City Commission on April 11, Starks admitted to having met with the City Manager and his staff on behalf of the businesses, and even accompanying the City Manager on a tour of Cairo Lane, so that Starks’ “representation” of the business owners may have included more than simply speaking on their behalf at the April 11 meeting.

Starks and Lopez both stated emphatically that Starks has received no compensation for speaking on behalf of the business owners, and that no arrangement for future consideration has been made. This investigator explained to Starks during our interview that monetary compensation is not the determinant of whether he is, in fact, serving in a lobbying capacity.

Conclusion(s):

The evidence is insufficient to establish that Starks was acting as a lobbyist on behalf of the business owners group. The case should be closed with no further action. The City Manager appears to have been the one who initiated meetings with the business owners to meet with them for informational purposes; the Manager was already in the process of trying to obtain funding for the road repair work. Although Starks may have been present at these meetings, there’s no indication that he was seeking to encourage or modify any action or decision of the Manager. The City already had a plan to deal with the road issues and was already seeking the funding.

Starks appearance at the April 2014 City Council meeting doesn’t seem to be “lobbying” at all and, if it is, it is of such a *de minimis* nature that it does not warrant ethics charges. The evidence showed that a loosely organized group of business owners asked Starks to speak for them with one voice since their previous attempt to deal with the Council, by having numerous speakers was less than effective. There is no evidence that Starks was “employed or retained” by the group to affect any ordinance, resolution or action of the City Council; indeed, Starks spoke during the “Public Comments” section of the meeting. In essence, all Starks did was advise the Council that the business owners were happy with the Manager’s outreach to them and that after years of neglect of the roads, they were happy that some action finally appeared imminent.



Robert Steinback COE Investigator

Approved by:

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5/28/14

Date