

OFFICE OF THE INDEPENDENT ADVOCATE
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
REPORT OF INVESTIGATION

K #: 07-030 Robert Coleman

Date Opened: February 21, 2007 Date Closed:

Name of investigator: Arthur D. Skinner
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Allegation:

This investigation was predicated upon the receipt of information from Miami Gardens City Attorney Sonja Knighton Dickens that former Zoning Administrator Robert Coleman had violated the 2 year rule by lobbying city officials.

Section 2-11.1 of the Code of Miami-Dade County, the County's Conflict of Interest and Code of Ethics Ordinance. (q) *Continuing application for two (2) years after County service.* (1) No person who has served as an elected County official, i.e., mayor, County Commissioner or a member of the staff of an elected County official, or as County Manager, senior assistant to the County Manager, department director, departmental personnel or employee shall, for a period of two (2) years after his or her County service or employment has ceased, lobby any County officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Additionally, no person who has served as a community council member shall, for a period of two (2) years after his or her County service or employment has ceased, lobby, with regard to any zoning or land use issue, any County officer, departmental personnel or employee in connection with any judicial or other proceeding, application, request for ruling or other determination, contract,

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claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Nothing contained in this Subsection (q)(1) shall prohibit any individual included within the provisions of this Subsection from submitting a routine administrative request or application to a County department or agency during the two (2) year period after his or her County service has ceased.

Investigation:

On March 2, 2007, Investigators Art Skinner and Yolanda Bielovucic interviewed City of Miami Gardens, Development Services Director Jay R. Marder at 1515 NW 167 Street Bldg. 5, Suite 200, Miami Gardens, FL 33169, (305) 622-6025. The purpose of the interview was explained to Marder, and he gave the following information:

- Marder stated that at first it appeared that Coleman was assisting people in submitting routine administrative requests and applications.
- In more recent communications with Coleman Marder stated that he had sent letters on behalf of clients in zoning matters.
- About mid January 2007 Coleman to the City Miami Gardens with a request for a “Zoning Improvement Permit” (ZIP) from some clients who wanted to operate a parking lot near the Dolphin Stadium on Super Bowl Sunday. According to Marder, Coleman talked to Assistant City Manager Chris Steers, City Manager Danny Crew and Assistant Zoning Director Levon Nixon. Coleman was told by all three city officials that a ZIP would require a public hearing. Coleman’s clients; Alligator Sports Tours, John’s Tickets LLC. Decided to take the City to court because there was not enough time for a public hearing. On February 1, 2007 the court ruled in favor of Alligator Sports Tours, John’s Tickets LLC.
- The owner of the property to be used as a parking lot is David Paul.
- Coleman has spoken against a billboard ordinance. Marder said it was unclear if Colman was representing anyone in this matter.

- Marder said he would obtain a copy of the court case on the ZIP permit from the City Attorney.

On March 5, 2007, Investigator Art Skinner reviewed the Notice of Hearing documents in Case #: 07-02805-CA1. The hearing was scheduled for hearing on February 1, 2007 in Miami, FL. The following information was obtained from the document (Copy is in the Case File):

- The Plaintiff's were David Van Buren D/B/A Alligator Sport Tours and Travel Company; and John's Tickets LLC. D/B/A Any Event Tickets. The Defendant was the City of Miami Gardens.
- Since on or around January 16, 2007, the Plaintiffs had attempted to apply for a ZIP Permit through proper channels.
- On or around January 16, 2007, an agent of the Plaintiffs met with Assistant Zoning Director Levon Nixon for Miami Gardens about the ZIP Permit.
- On or around January 16, 2007, Robert Coleman retained as a consultant by the Plaintiffs met with Miami Gardens Assistant City Manager Chris Steers in an attempt to obtain the Zip Permit.
- On or around January 17, 2007, Robert Coleman met with Miami Gardens Assistant City Manager Chris Steers in an attempt to obtain the Zip Permit.
- On or around January 17, 2007, Robert Coleman met with Miami Gardens City Manager Danny Crew in an attempt to obtain the Zip Permit.
- On or around January 26, 2007, an agent of the Plaintiffs met with Assistant City Manager Chris Steers for Miami Gardens about the ZIP Permit.

On March 6, 2007, Investigator Art Skinner interviewed Miami Gardens City Manager Danny Crew, at 1515 NW 167th Street, Bldg. 5, Suite 200, Miami Gardens, Florida 33169, (305) 622-8000. Crew was advised of the purpose of the interview, and he gave the following information:

- Crew does not recall having any meetings with Robert Coleman. Crew stated that the Factual Allegations in paragraph 20 of the Notice of Hearing on Case number 07-02805-CA1 are not true. Crew did not meet or speak with Coleman about the parking matter. Crew does recall seeing Coleman in the Miami Gardens office recently, the exact date he cannot recall. Crew said Coleman came to the office door and said, hello.
- Crew stated that he did not leave a threatening message on his telephone recorder.

On March 6, 2007, Investigator Art Skinner interviewed Miami Gardens Assistant City Manager Christopher D. Steers, at 1515 NW 167th Street, Bldg. 5, Suite 200, Miami Gardens, Florida 33169, (305) 622-8005, csteers@miamigardens-fl.gov. Steers was advised of the purpose of the interview, and he gave the following information:

- Steers stated that Robert Coleman lobbied him to get the ZIP application approved. Steers told Coleman that the ZIP application was not correct, that the matter was a zoning variance which had to be brought before the City Commission. Steers stated that Coleman should have known better than try to make the application for a ZIP permit, instead of a zoning variance that needed to be approved by the City Commission.
- Steers said that Coleman was the Plaintiffs representative mentioned in paragraph 22 of the Notice of Hearing on Case number 07-02805-CA1.

On March 6, 2007, Miami Gardens City Clerk Ronetta Taylor (305) 622-8003, rtaylor@miamigardens-fl.gov, gave Investigator Skinner a copy of the City of Miami Gardens Lobbyist Registration for FY 06/07. Taylor stated that the list was prepared February 27, 2007, and Robert Coleman was not registered as a Lobbyist.

On March 10, 2007, Investigator Skinner obtained Robert Coleman's letter of termination. Coleman resigned as Zoning Administrator on October 6, 2006.

On March 10, 2007, Investigator Skinner met with Coleman at the Miami Gardens City Hall. Coleman said he now lives in Brevard County and occasionally comes to Miami Dade.

On March 13, 2007, Investigators Art Skinner and Breno Penichet interviewed former Miami Gardens Zoning Administrator Robert Coleman at the Miami Gardens City Hall Complex (561) 306-7224. Coleman was advised of the purpose of the interview and gave the following information:

- Coleman claimed that he was not trying to lobby Assistant City Manager Chris Steers. The only purpose of meeting with Steers was to establish the correct procedure to get a one day parking permit for his client.
- Coleman agreed with the statement of the City Manager Danny Crew the Factual Allegations in paragraph 20 of the Notice of Hearing on Case number 07-02805-CA1 are not true. Coleman did not speak with the City Manager about the ZIP Permit application.
- Coleman was told by Steers and other City staff that he was not lobbying, when submitting applications. This was before the ZIP Permit incident.
- Coleman stated that it was Chris Steers that threatened him by leaving a message on his cellular telephone. Coleman said he no longer had a the recording, but would obtain a copy of the recording from his client's Attorney (Koch & Trushin P.A. 110 East Broward Blvd., Suite 1630, Ft. Lauderdale, Florida 33301, (954) 763-7633 (954) 763-7300).
- Coleman stated that he had over 30 years in the Planning and Zoning Business. First with the U.S. Army Corps of Engineers, 6 years with Miami Dade County, and 2 years with the City of Miami Gardens.

CONCLUSION:

Mr. Coleman's claim that he was asking Assistant City Manager Chris Steers for advice on filing the ZIP Permit is not credible. Coleman was the Miami Gardens Zoning Administrator for two years and should have known the rules.