

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

K #: 09-094 Pinecrest Mayor and Council Persons Harter and Ross

Date Opened: 08/05/2009

Date Closed: 08/06/2010

Name of investigator: Arthur D. Skinner and Breno Penichet

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Allegation:

This matter was referred to the Commission on Ethics by the Miami-Dade County Office of the Inspector General. The OIG had received an anonymous complaint concerning allegations of nepotism, favoritism, contract steering, and exploitation of official position by the Mayor of the Village of Pinecrest. The complainant alleged that Steven Steele is a cousin of Mayor Cindy Lerner, and that Lerner used her position to allow Steele to get a no bid contract, to use city facilities rent free and keep 80% of the proceeds from an art show scheduled for November 7, 2009.

Section 2-11.1 of the Code of Miami-Dade County, Conflict of Interest and Code of Ethics Ordinance. (g) *Exploitation of official position prohibited.*

Investigation:

On August 24, 2009, Investigators Skinner and Penichet interviewed Village of Pinecrest Manager Peter G. Lombardi (305-234-2121, Lombardi@pinecrest-fl.gov) in his office at 12645 Pinecrest Parkway, Pinecrest, FL 33156. Lombardi was advised of the purpose of the interview and gave the following information: Mayor Cindy Lerner has never revealed publicly to the Village Council that Steele is her first cousin. Lombardi said he was told by Steele that he and Mayor Lerner were cousins because their mothers are sisters. On May 2, 2009 Lombardi attended a "Garden Pop" planning meeting held at the residence of Steele. Lombardi said this was an RSVP event attended by Mayor Cindy Lerner and two Council members; Bob Ross and Nancy

Harter. Lombardi stated that Steele originally wanted to hold the "Garden Pop" event in June or July of 2009. At this meeting Steele was advised that the "Garden Pop" event should be held at the time of year when there was better weather. Lombardi advised that at this meeting there was a discussion about the rental of the Village facility (Hibiscus Room) 11000 Red Road, Pinecrest, Florida, including modifications and improvements to the building necessary to hold this event. This was not a publicly announced event.

On June 1, 2009, a meeting of the Pinecrest Gardens Advisory Committee (PGAC) was held at the Pinecrest Community Center in Pinecrest. There is no recording of this meeting. The minutes of the meeting indicate that Mayor Lerner called upon Steele to make a presentation about using the Hibiscus Room for an art exhibit to be held in the fall. According to the minutes, some comments were made about changes needed to the room in order to make it useful for the art exhibit. The changes needed to be approved by the Village Council. The Committee Chair, Councilmember Nancy Harter, said the event needed endorsements from any of three community groups before it could be recommended to the Village Council (COE Investigators were told in one of the interviews that the reason for the recommendation of one of these community groups, is they were non-profit organizations. Steele needed the recommendation of the non-profit organization to qualify for free rental of the room for the art exhibit.)

On June 9, 2009, a resolution was passed directing the Village Manager to "take all steps necessary, including appropriating funds in the proposed Fiscal Year 2009-2010 Operating and Capital Budget to implement the recommendations" of the PCAC. Lombardi said that the cost to the Village of Pinecrest will be between \$15,000.00 and \$20,000.00.

On September 18, 2009, a COE Investigator interviewed Pinecrest Village Mayor Cindy Lerner in her office located at the Village Hall. Mayor Lerner was advised of the

purpose of the interview; she gave the following information: She admitted attending an invitation only organizational meeting of the “Garden Pop” event on May 2, 2009, at the residence of her first cousin Steele. Lerner stated that Councilperson’s Ross, Harter, PCAC members Karen Mashburn and Paul Sasso also attended the meeting. Mayor Lerner denied that there was any violation of the Sunshine Law. She stated that the only business discussed at this meeting were the logistics of how to form committees to promote the event. There was nothing discussed that would eventually come before the Village Council for approval.

On September 22, 2009, COE Investigators interviewed Councilmember Bob Ross in his office located at the Village Hall. Ross was advised of the purpose of the interview and gave the following information: He admitted attending an invitation only organizational meeting of the “Garden Pop” event on May 2, 2009, at the residence of the Mayor’s first cousin Steele. Ross stated that Councilperson Harter, Mayor Lerner, PCAC members Karen Mashburn and Paul Sasso also attended the meeting. Ross stated he had some reservations about attending the meeting, but attended anyway. Ross said that at the meeting they did discuss matters that eventually came before the Village Council for a vote. Specifically, the conditions of the agreement between Steele and the Village, and some improvements that needed to be made to the Hibiscus Room in order to hold the “Garden Pop” event in November 2009.

On September 22, 2009, Investigators Breno Penichet and Arthur Skinner interviewed Village of Pinecrest Councilmember Nancy Harter in her office located at the Village Hall. She was advised of the purpose of the interview and gave the following information: She admitted attending an invitation only organizational meeting of the “Garden Pop” event on May 2, 2009, at the residence of the Mayor’s first cousin Steele. Harter stated that Councilperson Ross, Mayor Lerner, PCAC members Karen Mashburn and Paul Sasso were present. She stated that during this meeting there were discussions on improvements to the Hibiscus Room such as better hurricane shutters,

air conditioning, a bathroom/kitchen, and a new security system. Harter said she told Steele that these items needed to be brought before the Village Council for approval.

On September 23, 2009, COE Investigators interviewed Village of Pinecrest Manager Peter Lombardi in his office located at the Village Hall. Lombardi was advised of the purpose of the interview and gave the following information: He attended the May 2, 2009 meeting at the invitation of Mayor Lerner and Steele. At the meeting were Councilpersons Ross, Harter, Mayor Lerner, PCAC members Karen Mashburn and Paul Sasso. There were discussions about the "Garden Pop" event and some necessary improvements that needed to be made to the Hibiscus Room in order to hold the "Garden Pop" event. In the past the room rent for the facility has been waived by the Village Council because the event was sponsored by non-profit organizations. This event is a little different because although it was sponsored by a non-profit organization the sponsor Steele will receive 80% of the sales of art sold during this event. Lombardi stated that all council members have been advised and received training about the Florida Government-in-the-Sunshine Law.

On September 30, 2009, COE Investigators interviewed Attorney Paul Sasso in his office located at 7721 SW 62nd Ave Suite 201, South Miami, Florida. Sasso was informed of the purpose of the interview and gave the following information: He was invited the May 2, 2009 meeting at the Steele residence; he did not attend the meeting.

On October 6, 2009, Karen Mashburn (PCAC) was interviewed by telephone. She gave the following information: She was invited to the May 2, 2009 meeting at the Steele residence; she did not attend the meeting.

On October 9, 2009, Investigator Skinner contacted Steele by telephone at 305-742-7071. Steele declined to be interviewed.

On October 14, 2009, a COE Investigator re-interviewed Village of Pinecrest Manager Peter Lombardi by telephone. The purpose of the interview was to determine if PCAC members Karen Mashburn and Paul Sasso attended the May 2, 2009 "Garden

Pop” planning meeting at the residence of Steele. Lombardi did not recall Sasso attending the May 2, 2009 meeting. Lombardi was not positive but thinks Mashburn attending the meeting.

On June 1, 2010, ASA Luis Caso and Investigators Skinner and Penichet took the deposition of Steven Steele. During the deposition Steele stated that the May 2, 2009 meeting at his residence was publicly announced and anyone who was interested in the “Garden Pop” event were welcome provided they RSVP Steele. The meeting invitation flyers were publicly posted at the Pinecrest Park Meeting Hall and at several other locations in Pinecrest.

CONCLUSION:

After the conclusion of the deposition the Investigators and Caso met with PCU Chief Joe Centorino. Centorino stated that the matter was to be closed out and letters sent to Councilpersons Harter and Ross, and Mayor Lerner advising them that although the meeting may have been a publicly announced meeting they should exercise caution about this type of meeting and the location of the meeting.

This matter is closed as referred to the SAO.