

REPORT OF INVESTIGATION

K #: 10-011 Mayor Carlos Alvarez

Date Opened: Jan. 15, 2010

Date Closed: Feb. 4, 2010

Name of investigator: Karl Ross, Kennedy Rosario
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Allegation: The investigation was opened at the discretion of the Advocate in order to determine whether Dolphins team officials or their representatives may have improperly lobbied Miami-Dade County Mayor Carlos Alvarez during his attendance of a Monday night football game on Sept. 21, 2009. Alvarez watched the game in the luxury suite of Dolphins owner Stephen Ross. Shortly after the game, the Dolphins publicly announced their interest in constructing a roof or “umbrella” over what is now Sun Life Stadium and in obtaining public funding for the proposed structure. COE hoped to learn whether the team used the opportunity to lobby the mayor and enlist his support.

Investigation: On Jan. 15, 2010, a request was made to the office of the mayor for any records of communication between the Dolphins, Mayor Alvarez or other County executives in connection with the proposed stadium upgrades. Investigators also queried the mayor’s office as to whether team officials discussed their plans to seek public funding in connection with the project during the Sept. 21 football game. The mayor’s office responded in a memo dated Feb. 1, 2010, from County Manager George Burgess, on behalf of the mayor, in which the memo states: “The Dolphins have informally shared their desire to make improvements to the stadium at various times over the past three months. However, at no time has anyone from the team made any formal request for funds, nor has the County ever offered or remotely considered providing any support to the Dolphins.” The memo states there exists “no written contact with the team on this topic,” except for a brief email between a team representative and

Special Assistant to the Manager, Jennifer Glazer-Moon, who is also the Director of the County's Office of Strategic Business Management. An examination of the e-mail shows only that a Mr. Mitchell H. Ziets of the New York-based firm Evolution Media Capital contacted Ms. Glazer-Moon on Dec. 14, 2009, and apparently inquired as to the availability of tourist "bed tax" funding. That same day, Ms. Glazer-Moon replied that: "We do not have the capacity to levy any additional tourist taxes." She provides a link to the Florida Legislative Committee on intergovernmental Relations, which addresses the matter in its annual report. Furthermore, the memo from Manager Burgess indicates that neither the Dolphins nor their representatives addressed the stadium upgrades with Mayor Alvarez during his attendance of the Colts-Dolphins game Sept. 21.

CONCLUSION:

Not every conversation between an elected official and another person triggers a requirement for the person to register as a "lobbyist". County ordinance defines "lobbyist" as "all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel *during the time period of the entire decision making process on such action*, decision or recommendation which foreseeably will be heard or reviewed by the County Commission..." (emphasis added). There is insufficient evidence to believe that a violation of the lobbyist registration ordinance took place on September 21, 2009. The parties have been advised that should public financing discussions continue between County officials and the Dolphins and/or Dolphin representatives the lobbyist registration requirement may be invoked.