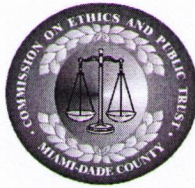


MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K #: 11-015

Date Opened: 2/1/11

Date Closed: 9/26/11

Name of Investigator: Manuel W. Diaz

Allegation:

The COE received information from Joseph Centorino, Chief of the Public Corruption Unit, Miami-Dade State Attorney's Office, that Jimmie L. Williams (Williams) Councilperson from the City of Homestead may have accepted a trip to Tallahassee, Florida paid for by Developer Wayne Rosen (Rosen). The trip was to attend the Inauguration Ceremony of Governor Rick Scott.

Applicable Legislation:

Miami Dade County Conflict of Interest & Code of Ethics Ordinance. Section 2-22.1

(e) Gifts.

(1) Definition. The term "gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single sitting or meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(4) Disclosure. Any person included in the term defined in Subsection (b)(1) through (6) shall disclose as provided herein any gift, or series of gifts from any one person or entity, having a value in excess of one hundred dollars (\$100.00). Said disclosure shall

be made by filing a copy of the disclosure form required by Chapter 112, Florida Statutes, for "local officers" with the Clerk of the Board of County Commissioners simultaneously with the filing of the form with the Secretary of State.

CE FORM 9-EFF. 1/2007 PART D-FILING INSTRUCTIONS

"This form, when duly signed and notarized, must be filed with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 3231705709; physical address; 3600 Maclay Blvd. South Suite 201, Tallahassee, Florida 32312. The form must be filed no later than the last day of the calendar quarter that follows the calendar quarter which this form is filed (For example, if a gift is received in March, it should be disclosed by June 30.)"

Miami Dade County Commission on Ethics and Public Trust RQO-09-04, Valuation of Private Travel, County Code Section 2-11-1(e).

II B. (4) "Comparable commercial conveyance" as stated in 112.3148(7)(d), FS means a similar mode and class of transportation which is available commercially in the community... Where the gift is transportation is a private airplane, the transportation shall be given the same calculated as an unrestricted coach fare.

Investigation:

An Investigation was initiated to determine if Williams accepted the trip and if he filed the required disclosures.

Interviews:

Jimmy L. Williams – Councilperson, City of Homestead

Williams was interviewed via telephone on March 10, 2001. During the interview he acknowledged accepting a round trip air flight from Miami to Tallahassee to attend the Scott Inauguration Ceremony. The flight was provided by Rosen aboard his private plane. Williams advised that he reimbursed Rosen for the airfare with a cashier's check. Williams agreed to provide the COE with a copy of the check and faxed the same shortly thereafter. The date of issue for the check was not visible. Williams was re-contacted on March 28, 2011 and asked to provide a copy of the check with the date visible.

On April 5, 2011, the COE received an original customer copy of the check issued by the Bank of America. The check was drawn upon the account of Williams & Associates Consultant Group, a Florida-for-Profit Corporation, where Williams is listed as a Director. The amount of the check was for \$365.78. The date on the check was March 11, 2011. The check was made out to Rosen. The notation on the check is "Trip to Tally, airline fare January 4, 2011."

Wayne Rosen - Shore Developments, Inc., 277 Galeon Ct, Coral Gables, Florida

Rosen confirmed that he provided air passage to Tallahassee for Williams. The trip was aboard an aircraft that he owned. He explained that he was speaking with Williams prior to the Scott inauguration and that Williams advised that he would like to attend, but could not go to the event. Rosen then offered to fly Williams to Tallahassee.

After the initiation of the COE investigation, Williams contacted Rosen. Williams advised that he would reimburse him for the flight. Rosen deferred to Williams to determine the amount to be reimbursed. Rosen provided the COE with a copy of a deposit slip from the Great Florida Bank which showed a deposit for \$365.78. The deposit date was written in as "3-4-11" (March 4, 2011).

Rosen advised that he only provided Williams with the flight. He did not pay any other costs associated with Williams' stay in Tallahassee. He confirmed that the \$ 365.78 on the deposit slip reflected the amount of the check given to him by Williams. Rosen was advised of the apparent discrepancy in the date on Williams' check (March 11, 2011) and the date on the deposit slip that he provided ("3-4-11"). Rosen agreed to provide the COE with a bank statement verifying the date of for the deposit.

Juan-Carlos Planas (Planas), Esq., Kurkin, Forehand, Branders, 18851 N.E. 29th Ave., Suite 303, Aventura, Florida 33180, contacted the COE representing Rosen. Planas agreed to provide the COE with Rosen's bank statement reflecting the deposit. A review of the bank statement indicated that Rosen inadvertently entered 3-4-2011 on the deposit slip. The correct date for the deposit was April 4, 2011.

City of Homestead Public Records:

On April 22, 2011, a request was made for any gift disclosures filed by Williams. The City Clerk on April 25, 2011, advised that Williams had not filed any state gift disclosures since his election in 2010.

Valuation of Private Air Travel, County Code Section 2-11.1(e)**RQO 09-04**

The COE opined that valuation of air travel on a private conveyance shall be consistent with criteria established under State gift disclosure laws. State law values private air travel the same value as an unrestricted coach fare before taxes.

American Air Lines (AA)

AA.com was queried as to the value of a round trip economy class from Miami to Tallahassee. AA, per the site, listed the per person airfare as being \$1,180.00. AA only had two classes for flights from Miami to Tallahassee - economy class and first class.

A COE subpoena was issued to AA for the cost of a round trip economy class ticket from Miami to Tallahassee during the time period between January 1, 2011 to January 5, 2011. The cost for the flight was \$1,331.40.

Summary of the Investigation:

1. The COE received information that Williams may have received air flight from Miami to Tallahassee to attend the Inauguration Ceremony Florida Governor Scott.
2. The airfare was provided by a Homestead developer Rosen.
3. The Scott inauguration was held in Tallahassee on January 4, 2011.
4. Williams acknowledged that he received passage to Tallahassee on a private aircraft owned by Rosen. He advised that he had reimbursed Rosen for the flight.

5. Williams faxed the COE a copy of a check (customer copy) issued by the Banks of America. The amount was for \$365.78. The remitter was Williams & Associate Consultant Group. The date on the copy was not legible.
6. Williams is a director for Williams & Associate Consultant Group. The corporation was registered in Florida for 2009.
7. Williams was re-contacted. He provided the COE with the original check (customer copy). The date on the check was March 11, 2011.
8. Rosen was contacted. He confirmed that he provided transportation to Tallahassee to Williams to attend the Scott Inauguration Ceremony. He did not subsidize Williams' stay in Tallahassee.
9. Rosen provide the COE with a copy of a deposit slip to an account at Great Florida Bank. The slip listed a deposit of \$365.78. Under the notation section was written, "J Williams re-imbusement flight Tall". The date written in on the deposit slip is 3-4-11(March 4, 2011).
10. The dates provided by Williams and by Rosen for the payment conflict.
11. Rosen, through his attorney, provided a copy of the bank statement reflecting the \$365.78 Williams' deposit. Statement reflected that the deposit was made on April 4, 2011, not as 3-4-2011 as previously indicated.
12. As of April 25, 2011, Williams had not filed a Form 9 gift disclosure.
13. The AA.com was queried as to the value of a round trip economy from Miami to Tallahassee. The fare per person before taxes is \$1180.00.

14. The COE issued a subpoena to AA for the cost of a round trip ticket from Miami to Tallahassee. The response from AA indicates that the cost with tax and other charges was \$1331.40.
15. In RQO 09-04 the COE opined that the valuation of air travel on a private conveyance is consistent with the criteria established under State law. State law values private air travel the same value as an unrestricted coach fare.
16. The value of the Williams reimbursement to Rosen (\$365.78) does not comply with RQO 09-04.

CONCLUSION:

Williams will be given the opportunity to comply by either paying the difference in the price of the travel provided by Rosen or filing a gift disclosure form for the same. If Williams chooses not to do either, an Ethics Complaint will be filed against him.