

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



REPORT OF INVESTIGATION

#K11-028

Date Opened: 02/17/11

Date Closed: 07/07/11

Investigator: Sylvia Batista

On February 17, 2011 the COE received information regarding possible unregistered lobbying surrounding a contract for food catering services program for the elderly. As a result of an RFP issued and administered by the Department of Procurement Management (DPM), a recommendation was made by Procurement Director Miriam Singer (Singer) that the new contract should be awarded to Montoya Holdings, Inc., d/b/a Pelota Café and Pizzeria (Montoya) and Greater Miami Caterers (Greater Miami), with a portion of the contract going to the incumbent firm, Construction Catering, Inc. (Construction). During the 1/11/11 and 2/8/11 meetings of the Internal Management and Fiscal Responsibility Committee (IMFRC), Commissioners Jose “Pepe” Diaz and Natasha Seijas, forcefully advocated on behalf of Construction, against DPM’s recommendation saying that insufficient efforts had been made to ascertain that the best quality food would be served by the new caterers. Additionally, during the 2/8/11 IMFRC meeting, the Commissioners lashed out at Singer for not having

performed a visit to the food preparation site for Montoya, as they claimed they had asked her to do at the 1/11/11 IMFRC meeting.

The COE's issue related to a violation of the Conflict of Interest and Code of Ethics Ordinance Section 2-11.1(s) *Lobbying*.

Investigation:

This investigator searched county registered lobbyist records and found that the incumbent firm, Construction, has not had a lobbyist registered on its behalf since Sergio Pereira registered in March of 2001. Furthermore, Construction's principals, Estevan Bencomo and Migdalia Bencomo, were not registered as lobbyists with the Clerk.

A public records request was sent to the Office of the Chair of the Board asking for copies of the sign-in logs kept by Commissioners Diaz and Seijas for the time period in question.

A review of the sign-in sheets reflect a visit to the offices of the BCC made by Estevan Bencomo at 11:45 a.m. on 1/11/11, the day of the first IMFRC meeting. Mr. Bencomo did not fill in the name of the person that he was there to see.

This investigator questioned Mr. Bencomo about the purpose of his visit to the BCC. Mr. Bencomo stated that he went to the BCC offices to talk to somebody about the elderly meals service contract that was coming before the IMFRC on that day. Mr. Bencomo stated that did not speak with anyone at the BCC offices, but he later attended the meeting where DPM's recommendation to award the contract to Montoya was discussed.

Mr. Bencomo advised that DPM was incorrect in their recommendation. According to him, Construction has been servicing the elderly meals program for 25

years and has done it inexpensively without sacrificing the quality of the meals. Mr. Bencomo explained, that at the meeting, DPM was told to visit the site where the meals would be prepared, and they did not do so. Mr. Bencomo said that the new catering service provider prepares the meals at a different location from where they are supposed to be preparing them. Mr. Bencomo said that DPM has its own reasons for making the recommendation, and cost is not the reason.

Again, Mr. Bencomo said that he did not discuss the subject contract with anyone at the BCC—he was there to attend the meeting, but came a little early to see if he could talk to someone.¹

Conclusion:

The investigation did not reveal conclusive evidence that either Commissioner Seijas or Commissioner Diaz were lobbied with regard to this particular RFP. For this reason, this matter can be closed.

¹ The IMFRC meeting started at 2:00 p.m.