

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K #: 12-093

Date Opened: 6/26/12

Date Closed: 12/24/12

Name of Investigator: Manuel W. Diaz

Allegations:

The Commission on Ethics (COE) received information that potential bidders for a Miami Beach (MB) RFP not yet issued, may have failed to register as lobbyists prior to speaking to elected officials as required by Miami Beach Code or Ordinance, Section 2-482(a)

Specifically, the allegations were that:

1. Robert Wennett (Wennett) and Jeff Weinstein (Weinstein), acting as lobbyist for UIA Management, LLC (UIA), encouraged former MB City Manager Jorge Gonzalez (Gonzalez) to place Agenda Item C4E on Dec 8, 2010 Commission meeting agenda.
2. Wennett and Weinstein, acting as lobbyists for UIA, encouraged one or more Commissioners to refer Item C4E to the MB Finance and City Wide Projects Committee (FCWPC).
3. Wennett, as a lobbyist for UIA, met with the FCWPC on February 24, 2011.
4. Wennett and Weinstein, as lobbyists for UIA, encouraged Gonzalez to place item on July 13, 2011 Commission agenda.
5. Wennett and Weinstein, as lobbyists for UIA, encouraged one or more Commissioners to vote for the passage of an item on the February 8, 2012 City Commission agenda.

Applicable Legislation:

Code of the City of Miami Beach

Sec. 2-482. - Registration.

“ a. All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to register shall register on forms prepared by the clerk, pay a registration fee of \$350.00, as specified in appendix A and state under oath.
6. (f) In addition to the \$350.00 per issue registration fee required in subsection (a)... annual registration of all lobbyists shall be required for each 12 month period commencing October 1 of each year, and the fee for such annual registration shall be \$500.00, as specified in appendix A.”

Historical:

MB entered into a development agreement with UIA on March 14, 2007, for the design, development, and construction of improvements to the Lenox to Alton Road portion of Lincoln Road. The total project cost of \$6.2 million was funded by MB Redevelopment Agency.

On December 8, 2010, Gonzalez placed Item C4E on the City Commission agenda, to refer a discussion concerning the expansion of the agreement with UIA from Lenox Avenue to Lincoln Road Street and the Miami Beach Sound Scape Park to the FCWPC.

Investigation:

1. A request was made to the MB Clerks' Office concerning lobbyist registration for Wennett and Weinstein. Copies of the following documents were provided:

Registration Forms and Receipts of Payments

Receipt 288738 – Jeffrey Weinstein

The payment is for \$155.00. The notation on the receipt is “Jeffrey Weinstein lobbyist.”

The payment was made 1/25/07.

Receipt 288738- Robert Wennett

The payment is for \$150.00. The notation on the receipt is “Robert Wennett lobbyist registration.” The payment was made 1/25/07.

Receipt 296026 - Robert Wennett and Jeff Weinstein

The payment is for \$250.00. The notation on the receipt is "Lobbyist Registration Renewal 2008-2009." The payment was made on 9/2/08.

Receipt 308106 - Robert Wennett and Jeffrey Weinstein, UIA Management

The receipt represents a combined payment of \$1000.00 for Wennett and Weinstein. Payment was made on 1/5/11. Payments for the Year October 1, 2010 to September 30, 2011.

Receipt 3147799 & 314800 - Robert Wennett and Jeffrey Weinstein

There is no item listed on the receipt. The receipt represents the annual registration fee payment of \$1000.00 for both Wennett and Weinstein. Payment was made on 2/8/12. Payment is for the period October 1, 2011 to September 30, 2012. There is no lobbyist withdrawal form in Clerks file for either Wennett or Weinstein.

2. Copies of Lobbyists & Visitors Logs for the Office of Mayor and Commissioners from January 2009 through December 2011 were reviewed. Wennett was listed three (3) times in the log; Weinstein was listed once (1).

Bower visit:

The log indicates that Wennett and Weinstein visited MB Mayor Mattie Bower on June 6, 2011. The issue to be discussed is listed as "Lincoln Road."

Bower was interviewed by telephone. She confirmed that Wennett contacted her. She did not recall if Weinstein accompanied Wennett. She recalled that the maintenance of the Lincoln Road was the focus of the conversation.

Note: Wennett and Weinstein registered representing UIA Management, LLC on 1/25/07. Wennett and Weinstein paid the annual renewal fee for October 2010 to September 2011 on 1/5/11; they were registered to lobby on June 6, 2011.

Gongora visit:

The log indicates that Wennett visited MB Commissioner Gongora on June 11, 2011. The issue discussed was listed as "Lincoln Road."

Gongora was contacted. He confirmed that Wennett contacted him on June 11, 2011. According to Gongora, the topic discussed was the maintenance of Lincoln Road.

Note: Wennett and Weinstein registered representing UIA Management, LLC on 1/25/07. Wennett and Weinstein paid the annual renewal fee for October 2010 to September 2011 on 1/5/11; they were registered to lobby on June 11, 2011.

Exposito visit:

The log indicates that Wennett visited MB Commissioner Exposito on June 14, 2011. The issue discussed was listed as "Lincoln Road."

Exposito was contacted via telephone. He advised the topic discussed was not the maintenance of Lincoln Road. The topic of the conversation was an RFP for the construction of several parking lots.

Note: Wennett and Weinstein registered representing UIA Management, LLC on 1/25/07. Wennett and Weinstein paid the annual renewal fee for October 2010 to September 2011 on 1/5/11; they were registered to lobby on June 14, 2011.

3. Copies of visitors' logs for Gonzalez for the period January 2009 to December 2011 were reviewed.

The visitors' logs show that:

Wennett visited a member of the CM staff on one (1) occasion.

Weinstein visited a member of the CM staff on one (1) occasion.

Wennett visited Gonzalez on five (5) occasions.

Weinstein visited Gonzalez on six (6) occasions.

The log indicates that Wennett visited Tim Hemstreet (a member of Gonzalez' staff) on April 1, 2009. There is no issue listed. Note: this incident is beyond our 3 year statute of limitations.

Note:

Wennett registered representing UIA Management, LLC on 1/25/07. Receipt # 288738. The payment is for \$250.00. The notation on the receipt is Lobbyist Registration Renewal 2008-2009. The Payment was made on 9/2/08. Receipt # 296026

The log indicates that Weinstein visited Gonzalez on July 15, 2010. There is no issue listed.

Note: Wennett and Weinstein registered representing UIA Management, LLC on 1/25/07 Receipt # 288738. On 1/5/11 Wennett and Weinstein paid the annual renewal fee for the period covering October 2010 to September 2011 Receipt # 308106.

The log indicates that Wennett visited Gonzalez on February 1, 2011. The issue is listed as "1111 Lincoln. "

Note: Wennett and Weinstein registered representing UIA Management, LLC on 1/25/07 Receipt # 288738. Wennett and Weinstein paid the annual renewal fee for the period covering October 2010 to September 2011 on 1/5/11 Receipt # 308106.

The log indicates that Wennett and Weinstein visited Gonzalez on April 1, 2011. There is no issue listed. Wennett and Weinstein advised that they were lobbyists.

Note: Wennett and Weinstein registered representing UIA Management, LLC on 1/25/07 Receipt # 288738. Wennett and Weinstein paid the annual renewal fee for the period covering October 2010 to September 2011 on 1/5/11 Receipt # 308106.

The log indicates that Wennett and Weinstein visited Gonzalez on April 10, 2011. There was no issue listed.

Note: Wennett and Weinstein registered representing UIA Management, LLC on 1/25/07 Receipt # 288738. Wennett and Weinstein paid the annual renewal fee for the period covering October 2010 to September 2011 on 1/5/11 Receipt # 308106.

The log indicates that Weinstein visited Gonzalez on April 25, 2011. There was no issue listed.

Note: Wennett and Weinstein registered representing UIA Management, LLC on 1/25/07 Receipt # 288738. Wennett and Weinstein paid the annual renewal fee for the period covering October 2010 to September 2011 on 1/5/11 Receipt # 308106.

The log indicates that Wennett and Weinstein visited Gonzalez on July 7, 2011. There was no issue listed.

Note: Wennett and Weinstein registered representing UIA Management, LLC on 1/25/07 Receipt # 288738. Wennett and Weinstein paid the annual renewal fee for the time period covering October 2010 to September 2011 on 1/5/11 Receipt # 308106.

The log indicates that Wennett visited Gonzalez on October 20, 2011. The issue was listed as “the Convention Center.”

The log indicates that Wennett visited Assistant City Manager Hilda Fernandez. The issue is listed as “the Convention Center.”

Interview:

Jorge Gonzalez, Former City Manager – Miami Beach

Gonzalez was interviewed via telephone. He provided the following.

On March 14, 2007, the MB Commission adopted a Management Agreement for the Maintenance of the 1100 Block of Lincoln Road (Agreement). The Agreement was extended in 2009. Under the Agreement, the City and AIU could expand the type of services encompassed under the Agreement to other sections of Lincoln Road. The decision to expand the agreement would be based upon evaluation of the services provided by AIU.

Gonzalez explained that the City had evaluated the services provided by AIU and determined that the services proved cost effective. Gonzalez decided to present the findings to the City Commission in 2011, and request direction from the Commission. The direction sought from the Commission, according to Gonzalez, was whether to continue with the current Agreement as is, to expand the Agreement to the remainder of Lincoln Road without a formal bid, or to issue an RFP.

Gonzalez advised that he and other members of his staff met periodically with Wennett and Weinstein because, as the principals of the management company in place, they could provide insight into the current operation of the Agreement and to the future expansion of the Agreement, to other portions of Lincoln Road.

Gonzalez did not consider either Wennett or Weinstein to be lobbyists.

CONCLUSION:

Both Wennett and Weinstein were registered lobbyists with MB throughout the time period involved. Although in some instances, each may not have been registered on a specific issue, the technical violation does not warrant the filing of an Ethics Complaint by the Advocate.

The individual who originally brought this information to the Ethics Commission was contacted and advised of the results of the investigation; said individual was further advised that if they wanted to pursue the matter any further, they were free to file a formal ethics complaint. Pending receipt of any formal complaint, this matter is closed. Because the individuals were registered lobbyists throughout the time period involved, although not necessarily for the specific issue