



## **Miami-Dade Commission on Ethics & Public Trust**

### **Investigative Report**

**Investigator:** Sylvia Batista

<b>Case No.:</b> C13-036/ K13-146	<b>Case Name:</b> Jean-Louis v. Ross	<b>Date Open:</b>	<b>Date Closed:</b>
<b>Complainant(s):</b> William Jean-Louis	<b>Subject(s):</b> Evan Ross	11/12/13	1/4/14

#### **Allegation(s):**

City of North Miami resident William Jean-Louis filed an ethics complaint with the COE alleging that respondent Evan Ross lobbied City of North Miami Council members on behalf of CH2M Hill without being properly registered to lobby in the City of North Miami.

#### **Relevant Law:**

The Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1 (s) *Lobbying definition, requirements regarding registration and disclosure of expenses.*

## **Investigation:**

### ***Interviews/Contacts***

#### **11/25/13 – Evan Ross, Respondent -**

Evan Ross (Ross) was asked about the allegations made by complainant. Ross said that he is employed by CH2M Hill, but has not done actual lobbying for the company. Nonetheless, he recently registered as a lobbyist on behalf of CH2M Hill, although there is no item to lobby the City on at this point. Two other employees of CH2M Hill, Tom McSweeney (McSweeney) and Gerrit (Bulman), also registered as lobbyists on behalf of the company in anticipation of possible lobbying. True and correct copies of the lobbyist registration print-outs for Ross, McSweeney and Bulman reflect that they registered on behalf of principal CH2M Hill on 10/07/13.

Ross said that the information in the complaint alleging that he gave tours of the Biscayne Landing site to Councilmember Scott Galvin is incorrect. Ross said that he has never taken a tour of the site with Councilmember Galvin. Ross said that Councilmember Carol Keys (Keys) is the only City councilmember who took a tour of the Biscayne Landing site with him. Ross did not meet with Councilmembers Scott Galvin, or Keys regarding CH2M Hill, and he did not try to meet with Councilmembers, Phillipe Ben-Amie and Marie Erlande Steril regarding taking a tour of the site. The tour of the site was not to advocate for the passage, defeat or modification of any pending item.

Ross explained that CH2M Hill has an existing contract with the City, and did not need to lobby anyone. Ross said that he registered as a precaution before addressing recent concerns over the release of on-site ground water at the Biscayne Landing site. CH2M Hill wanted for elected officials to understand the reason for the spillage and he was trying to clarify the information for City officials. Ross and the other registered lobbyists were not asking the City to do anything. They did not have much contact with City officials on the subject matter. City staff handled most of the communications between CH2M Hill and the City regarding the spillage.

Ross explained that the contract was awarded to CH2M Hill well before he began working for them. Ross said he has been working CH2M Hill in North Miami for a couple of months. He had no involvement in the procurement process or the process that resulted in the award of the contract. Ross said that he is not friendly with the present City administration.

When the ground water release happened, CH2M Hill wanted to clarify the reason for the spillage. Ross explained that a subcontractor working for the company did not properly install the connection. When the connection separated, the ground water spilled. The spillage lasted for less than 24 hours. There were 800,000 gallons that spilled and were absorbed. The water remediation system is there to remediate contaminated ground water. It is constantly pumping the ground water. The incident that occurred was the equivalent of not having pumped for 24 hours. CH2M Hill notified 15 environmental agencies and they all determined that the incident was not of great environmental concern.

**12/17/13 – Evan Ross follow-up interview –**

Ross was asked for clarification of his previous statement on the subject matter. Ross said that at the time of the spillage (Labor Day weekend) there was no plan for him to represent CH2M Hill in North Miami, or that they needed him there. Ross explained that he was a consultant with CH2M Hill in North Miami Beach when the North Miami project came up. The CH2M Hill project in North Miami deals with environmental issues. Ross said that at that point he was asked by CH2M Hill if he would like to take a tour of the site. Ross said he mentioned it to Keys and she asked if she could come along.

Ross explained that he and Keys took the tour of Biscayne Landing with McSweeney and Bulman. The date of the tour with Keys was 07/23/13. As of the date of the tour, he had no expectation of having any involvement in the Biscayne Landing project. His work was focused more on procurement. Ross said that he went on the tour because he had never been on the site and wanted to get a feel for the environmental group and what they did. Keys had different reasons to want to go. The tour gave Keys an opportunity to see Biscayne Landing which is something she needed to see as a new councilmember.

Ross said that, when the ground water release happened several weeks later, it appeared to CH2M Hill that there was misinformation spreading about the accident. CH2M Hill wanted to make sure that the City was informed of the facts. At that point, CH2M Hill brought him into the environmental group so that they could communicate with him on it. Ross said that CH2M Hill wanted to make sure the City had a clear understanding of what had gone wrong. Ross advised that at this point, he and the others registered as lobbyists for CH2M Hill. Ross said that he then communicated directly with Councilmember Galvin about it. Ross explained that he, McSweeney, and Bulman met with the City's Public Works director and other staff members, and put together a fact sheet to be distributed to councilmembers. Upon coming out of that meeting, the Public Works director met with City Manager Stephen Johnson who signed off on the fact sheet making some minor changes. To his knowledge, the fact sheet was distributed to council in the 10/08/13 agenda package. The fact sheet was a one page sheet of information about the spillage. He and the other CH2M Hill representatives registered as lobbyists the day before the meeting.

**12/18/13 – Councilmember Carol Keys (305) 582-5588 –**

Councilmember Keys (Keys) was elected to the City council 06/14/13. Ross was her campaign advisor. Keys explained that she and Ross talk regularly. Keys said that Ross was hired by CH2M Hill as a consultant around the same time that she was elected. Keys said that the contract was awarded by the City to CH2M Hill in September of 2010.<sup>1</sup> Keys added that this was not a City contract, but at some point the City assumed it.

Keys explained that one of the first things that she did after getting elected into office was go to the ribbon cutting ceremony for CH2M Hill. The ceremony was held on 6/14/13. She and other councilmembers, City staff and some members of the public attended. They met at

<sup>1</sup> Keys advised that CH2M Hill's contract with the City was signed by the Biscayne Landing Receiver in September of 2010.

the Biscayne Landing site and went on a bus which left from the sales office to see the injection well site. CH2M Hill then started up the well for the first time. Keys advised that she had met McSweeney at a council meeting. She knows him longer than she knows Ross. After the ceremony, they went back to City Hall.

Keys explained that a few weeks later Ross mentioned that CH2M Hill was going to take him on a site tour of Biscayne Landing to see what they do. Keys said that she asked if she could come along. Ross said that he would arrange it. Ross got permission and they went to the site. Her individual tour of Biscayne Landing with Ross was on 07/23/13. Once there, McSweeney gave them a ride all over the site and pointed out certain topographical features. McSweeney then took them to the site where the well is. Lastly, Sweeney took them to the front gate and they went back. There had been no spillage at that point. During the tour, Keys said that she asked McSweeney whether CH2M Hill had a contract with the City. Sweeney responded that they have a contract and that it would not expire for a while. Keys said that the spillage happened later, maybe in October. Keys suggested to McSweeney that they take Councilmember Galvin on the tour, but he did not go. CH2M Hill reported the spillage as soon as it happened.

Keys explained that her reason for wanting to go on the tour of Biscayne Landing was because Swerdlow was ready to do their master plan and she wanted to be more familiar with the topography of the site.

#### **12/24/13 – Councilmember Scott Galvin (305) 582-0710 –**

Councilmember Scott Galvin (Galvin) was asked about complainant's allegations. Galvin said that he did not meet with Ross regarding the spill at Biscayne Landing. Galvin said that he first heard about the spill from City Manager Johnson on 10/02/13. Later, on 10/04/13, Ross sent him a message on Facebook asking if he could meet with CH2M Hill before the upcoming Council meeting (10/08/13). Galvin explained that on the night of 10/07/13, Ross dropped off a timeline from CH2M Hill detailing the events leading to the spill. Galvin said he was not at home to receive it. From 10/09/13 to 10/14/13, he and Ross e-mailed back and forth trying to set up a meeting with CH2M Hill. Galvin said that at the same time Mike Swerdlow was trying to meet with him so he attempted to make it a group meeting. Galvin said he was unsuccessful in setting the meeting so on 10/14/13 he e-mailed Ross suggesting that CH2M Hill call him. Galvin said that he does not have any record that they did.

Galvin said that he did not take the tour of the Biscayne Landing site with Ross and Keys.

Galvin was asked about the contract with CH2M Hill. After researching the issue, Galvin responded by e-mail that CH2M Hill has a contract with the City, however he could not locate a copy of the contract in the City's website.

***Document/Audio/Video Review:***

- Review print-out pages reflecting lobbyist registrations of Evan Ross, Thomas McSweeney and Gerrit Bulman, on behalf of principal CH2M Hill on 10/07/13.
- Review Miami Herald article dated 10/15/13 entitled, *Contractors at Biscayne Landing development blame each other for spill*.
- A review of the City Manager's response dated 02/10/12 to a draft report from the OIG reflects that the City assumed the contract between the Receiver of Biscayne Landing and CH2M Hill in April of 2011. CH2M Hill entered into the contract with the Receiver in September of 2010.
- A review of the Summary of Terms – Biscayne Landing Lease dated May 17, 2012 reflects that tenant (Swerdlow, et al.) is not responsible for the work covered by the CH2M Hill agreement, and can observe but not interfere with CH2M Hill's work at the site. The document is under the following link:
- [http://www.northmiamifl.gov/Docs/BiscayneLanding/summary\\_Terms\\_05172012.pdf](http://www.northmiamifl.gov/Docs/BiscayneLanding/summary_Terms_05172012.pdf)

**Conclusion(s):**

Evan Ross was registered as a lobbyist with the City of North Miami on 10/07/13. Any lobbying that may have subsequently occurred is lawful. There is no evidence that the site visit in July constituted lobbying activity. Forwarded to the COE Advocate for probable cause recommendation.