

Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Sylvia Batista

Case: K13-060/ C13-009	Case Name: Nanni v. Sochin	<u>Date Open:</u> 4/29/13	<u>Date Closed:</u> 5/23/13
Complainant(s): Arthur Nanni	Subject(s): Ernest Sochin		

Allegation(s):

The COE received an ethics complaint from Arthur Nanni (Nanni), a resident of the Town of Cutler Bay (the Town), against Ernest Sochin (Sochin), Vice Mayor of the Town of Cutler Bay.

Nanni brought forth allegations against Sochin stemming from lobbying activities on behalf of the SEED. According to Nanni, the SEED is a boarding school for at-risks youth being proposed for the Town of Cutler Bay by the Ethel and W. George Kennedy Family Foundation, Inc. (the "Foundation"). The Foundation is alleged by Nanni to own the property where the SEED hopes to open in 2014, should the Town approve the required zoning changes.

According to Nanni, Sochin was lobbied on several occasions by the SEED lobbyist Tia Diaz-Balart (Diaz-Balart) prior to her lobbyist registration dated 02/14/13. Nanni alleged that Diaz-Balart offered an all-expense paid trip to the

SEED in Baltimore, Maryland to all council members while still a non-registered lobbyist. Nanni said that no one went on the trip after being told by the Town attorney that doing so would give the appearance of impropriety.

Nanni explained that on or about 02/05/13, at a Concerned Citizens meeting, he learned that Sochin planned to propose a resolution changing the zoning to allow for boarding schools within the Town. Nanni alleged that Sochin requested that the Town Attorneys draft an ordinance to permit the zoning changes wanted by the Foundation.

Finally, Nanni said that on or about 02/13/13, he was informed that Sochin had introduced members of the Foundation to the South Florida Boys Choir (the Choir) for purposes of giving the Choir a \$25,000 grant. Nanni alleged that because Sochin takes an active role in supporting the Choir, the \$25,000 grant could be looked upon as extortion or a bribe being offered to the Vice Mayor in exchange for his favorable vote.

Nanni's complaint contends that Sochin has violated Section 7.6 of the Town of Cutler Bay Charter for not reporting his contacts with the Foundation and Diaz-Balart regarding SEED to the Town Clerk, and a second violation for soliciting a donation on behalf of the Choir at a juncture when his official action is being sought by the donor.

Relevant Ordinances:

The COE's issue relates to possible violations of Section 7.6 of the Town of Cutler Bay Charter and Section 2-11.1 (e)(3)(a) *Gifts* of the Conflict of Interest and Code of Ethics Ordinance.

Investigation:

Interviews

05/23/13 - Ernest Sochin, Vice-Mayor, Town of Cutler Bay –

Vice Mayor Sochin was informed as to the purpose of the interview, and stated as follows:

Sochin was asked to describe the events leading up to the zoning change being sought by the Foundation and the offer of \$25,000 made by the Foundation to the Choir.

Sochin explained that a few years ago, Bay Point Schools, a juvenile lock-up facility leasing the subject site, was notified by the Department of Juvenile Justice that they were discontinuing their funding thereby forcing the facility to close.¹ The lease between the Foundation and Bay Point Schools became null and void after Bay Point Schools lost its funding and the zoning was changed. The Foundation recently won a court judgment forcing the school to leave the property.

"*Boarding school*" was a permitted use of the land at the time Bay Point Schools closed its doors in 2009. Later, in December of 2011, the Town passed laws prohibiting boarding schools at the site.² Presently, "*boarding school*" is not a permitted use anywhere in the Town.

The Foundation, which owns the subject property, has been trying to have the zoning revert back to allow boarding schools so that they can lease the property to the SEED.³ As of the present time, the Foundation has not filed their application to change the zoning back. Sochin said that they do not have the votes from the council.

¹ Bay Point Schools closed its facilities in February of 2009.

² The zoning change was driven by the report of the Charter High School Committee, which recommended the subject site as the site for the Town's charter school.

³ The Foundation initially sued the Town, declaring the zoning changes illegal and unconstitutional. The lawsuit was voluntarily dismissed last year.

The Foundation

Sochin said that he wanted to meet with the head of the Foundation, Kathleen Kennedy-Olsen (Kennedy-Olsen). Sochin said that he reached out to Michael Kesti (Kesti), an attorney representing Bay Point Schools and its representative, Mary Louise Cole-Woods (Cole-Woods). Sochin said that he was told by Kesti and Cole-Woods that Kennedy does not meet with anyone.

Sochin said that Kennedy showed up during a February 2013 town council meeting. On or about 02/08/13, Kennedy e-mailed him a lunch invitation and they met for lunch on 02/22/13. During their lunch meeting, Kennedy introduced him to Diaz-Balart of the SEED school.⁴ Sochin said that one of the founders and director of the SEED School who resides in Washington, Rajiv Vinnakota, sent Diaz-Balart to meet with the Town. Sochin said that he is unsure whether the Foundation has donated funds to the SEED.

Sochin explained that Diaz-Balart is employed by the SEED which led her to believe that she did not have to register to lobby the Town. Sochin said that he had not met Diaz-Balart prior to his lunch date with Kennedy. Sochin explained that he has had more contact with Kennedy than he has had with Diaz-Balart.

The Choir

Sochin said that he became involved with the Choir after he met Colonel Brodis Hartley, Jr., CEO of CHI Hospital, a public healthcare facility similar to JMH. Sochin said that Colonel Hartley told him of the difficulties the Choir was having in locating funding. Sochin said he asked what he could do to help. Sochin became involved with the Choir and has been a member of its board for approximately one year. The Choir is a group of 30 to 40 middle school-aged children who are poor and considered to be at-risk much like the children who would attend the SEED

⁴ Diaz-Balart filed her lobbyist registration on 02/14/13.

school.

Sochin said that he then contacted the head of the Choir, Horace H. Turnbull (Turnbull) and introduced him to Kennedy. Town officials and others have claimed that his introduction of Turnbull and Kennedy created a conflict due to the zoning change being sought by the Foundation. Turnbull was introduced to Kennedy and not to Diaz-Balart. Diaz-Balart was not present during the introduction. Sochin said that Turnbull and Kennedy came up with the \$25,000 sum and that he had nothing to do with setting that figure.

Sochin said that he was told by a constituent that Nanni had told him that Sochin received \$25,000 for himself. Sochin emphasized that he made the introduction because he was trying to help the Choir. Sochin said he wondered whether there was an implied quid-pro-quo and stated that he has to keep these things separate.

Sochin said that the Foundation backed out of giving its support to the Choir, giving no specific explanation. Sochin provided the COE with a copy of a letter dated 03/26/13 from Kennedy to Turnbull advising him that the support would not be granted.

Sochin reiterated that he introduced Turnbull to Kennedy of the Foundation and they came up with the amount of the donation. Sochin said that he made the introduction to help the Choir.

Document/Audio/Video Review:

The COE submitted a public records request to Town Clerk Debra Eastman (Eastman).

Eastman responded that there is no record of an application filed on behalf of the SEED or the Foundation for the sought after zoning changes.

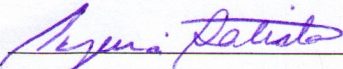
Eastman provided a copy of Diaz-Balart's Lobbyist Registration in which she describes her issue as "the opening of a public college-preparatory boarding school in Cutler Bay."

Research of town council meetings where the SEED was discussed revealed that Sochin stated at the 03/20/13 council meeting that he is in favor of bringing the SEED to the Town and has been in contact with the Foundation on behalf of the Choir. Sochin added that he is affiliated with the Choir and has introduced them to the Foundation, but that he has not personally received \$25,000 from anyone.

A review of Section 7.6, the section of the Town Code that Sochin is accused of violating, reveals this section of the code requires lobbyists, principals and vendors to report their contact with council and staff members, but not the other way around.

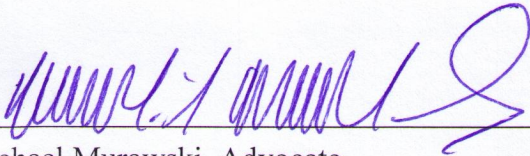
Conclusion(s):

Turned over to the Advocate for probable cause determination.

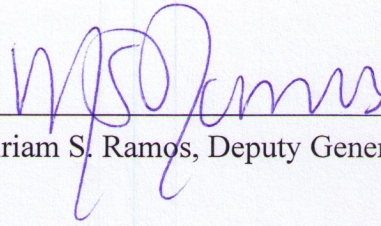


Sylvia Batista, COE Investigator

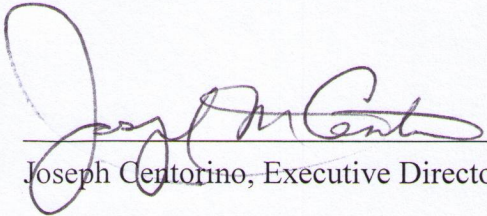
Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director

5/30/13