



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Manuel W. Diaz

Case No.: K13-097	Case Name: Miami Beach Convention Center	Date Open:	
Complainant(s): Commissioner Jonah Wolfson	Subject(s): AIU Management LLC/ Jack Portman	7/15/13	

Allegation(s):

The Commission on Ethics (COE) received a copy of a letter sent from Miami Beach Commissioner Jonah Wolfson (Wolfson) to Miami Beach City Manager Jimmy Morales (Morales). The letter requested the debarment of UIA Management LLC, (UIA) and its affiliates, and the investigation of a unregistered lobbyist, Jack Portman (Portman)

In the correspondence Wolfson referred to an RFQ that was issued by the City for the expansion and the enhancement of the Miami Beach Convention Center (MBCC), RFQ No.22-11/12.

Relevant Ordinances:

City of Miami Beach-Code of Ordinances

DIVISION 5. DEBARMENT OF CONTRACTORS FROM CITY WORK

Sec. 2-405. Debarment and suspension procedures.

- (a) Requests for the debarment or suspension of a contractor may be initiated by a city department or by a citizen-at-large and shall be made in writing on a form promulgated by the city administration (and approved by the city commission) to the office of the city manager. Upon receipt of a request for debarment or suspension, the city manager shall transmit the request to a designated investigator who shall be charged by the city manager with the duty of promptly investigating and preparing a written report concerning the proposed debarment or suspension, including the grounds for debarment

or suspension, as set forth in this division, and the designated investigator's findings and recommendation as to whether probable cause exists to proceed with the request or whether the matter should be dismissed.

Sec. 2-481. Definitions.

Lobbyist means all persons employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of any commissioner; any action, decision, recommendation of the city manager or any city board or committee; or any action, decision or recommendation of any city personnel defined in any manner in this section, during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the city commission, or a city board or committee. The term specifically includes the principal as well as any employee engaged in lobbying activities.

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...

Investigation:

Morales was contacted and advised that the Wolfson letter had been referred to the City Attorney for investigation.

Aleksandr Boksner (Boksner), Senior Assistant City Attorney, was contacted. He advised that the City Attorney had contracted Robert Meyers (Meyers), of the law firm Weiss Serota Helfman Pastoriza Cole & Boniske, P.L. to review and investigate the allegations made in the Wolfson letter. A determination was made to wait until Meyers completed his investigation. The COE received a copy of the Meyers report on December 23, 2013. The report has been made a part of the investigative file. Meyers opined that the City does not have the authority to proceed with the debarment absent a ruling from the COE that AIU violated the City's lobbying rules.

Note: In K12-093, the COE investigated allegations that the principals of AIU, Robert Wennett (Wennett) and Jeff Weinstein (Weinstein), had not properly registered as lobbyists. The investigation determined that Wennett and Weinstein were properly registered as lobbyists. The results of the K12-093 were used by Meyers as basis for his report.

The Meyers review did not address the Wolfson allegation that Portman did not register to lobby.

Portman Lobbying:

On February 7, 2012, MB issued RFQ No.22-11/12 for the development of the MBCC. There were 8 respondents to the RFQ including Portman Holdings/CMC Group. On April 5, 2012, an evaluation committee appointed by the City Manager convened and heard presentations from the responders. In November, there were additional evaluation committee meetings. After the November 2012 meeting the evaluation committee selected the two top responders Portman Holdings/CMC and Tishman South Beach ACE.

Documents reviewed

City of Miami Beach Visitors Sign in Sheet (Log)

On **1/18/13**, Portman and a group of individuals: Ambrish Baisiwala (Baisiwala), Ferg Shanada, Alan Zhu, Davie Wang, Irene Gu, Stanley Chir, L.A Harvey and Bob Goodman (Goodman), signed in to visit City Commissioners Tobin, Libbin and Exposito. The issue to be discussed was the MBCC. None of the individuals indicated that they had registered as lobbyists. (Copy in File)

On **March 23, 2013**, Portman and two other individuals: Goodman and Baisiwala, registered to visit Commissioners Weithorn, Gongora and Exposito. The issue to be discussed was the MBCC. There was no entry made as to whether any of the visitors were registered as lobbyists. (Copy in file)

On **March 27, 2013**, Portman along with Goodman and Baisiwala registered to visit Commissioner Tobin. The issue to be discussed was listed as the MBCC. Goodman indicated that he was registered as a lobbyist, Portman and Balswana made no indication if they were registered as lobbyists. (Copy in file)

City of Miami Beach LTC # 114-2012, dated April 30, 2012.

In the letter to Mayor Matti Herrera Bower and the Members of the City Commission from City Manager Jorge M. Gonzalez he lists the names of those selected for RFQ No. 22-11/12 for Development of the MBCC district.

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Official Web Site of the City of Miami Beach - NEWSROOM

The site has a summary of updates concerning RFQ. No.22-11/12

June 2012: The evaluation committee convened and heard presentations from the remaining seven (7) developer teams. The Committee ranked the master development teams as shown below. The video presentations are linked.

1. Portman CMC
2. South Beach ACE
3. Turnberry Lincoln Village, LLC
4. SoBe Ca, LLC
5. CConnect MB
6. Rida Development Corporation
7. Flagstone Property Group.

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The video of the evaluation committee meeting was reviewed.
<mms://stream.miamibeachfl.gov/training/firedept/RFQ/Portman.wmv>.

During the meeting, Roger Zampell, Sr. Vice President of Development for Portman Holding introduces Portman for Portman Holdings. Portman gives a short history of the company and makes a presentation.

Miami Beach Procurement Web site

The City's Procurement site was queried for audio /video presentations of Portman/CHC presentations before MB Committees evaluating the RFQ.

During the Commission Workshop of **5/14/13**, the Portman Holdings/CMC made a presentation before the Commission. During the presentation, Portman introduces himself and introduces and identifies other members of his staff.

Request For Qualifications

For the development of the Miami Beach Convention Center District, RFQ # 22-11/12

The RFQ was issued in February of 2012, with a deadline for qualification due on March 23, 2012.

City of Miami Beach, Office of the City Clerk - Lobbyist Registration Form

A lobbyist registration form was completed by Portman on July 12, 2013. On the form, Portman is listed as retained by Portman Holdings/CMC Group Inc. for the development of MBCC (RFQ). Portman is registered to lobby the City Manager, City Commission, City Departments and land use boards. The form is stamped by the City Clerk as received on July 12, 2013 at 3:24 PM. The annual registration fee was paid on the same date. Copy in file.

Interviews:

A certified letter was sent to Portman in Atlanta, GA., requesting him to contact the COE with reference to the investigation. The letter was sent on January 2, 2014; to date there has been no response. Follow up calls were made to Portman Holdings, in Atlanta, on January 28, 2014 and March 5, 2014. Messages were left on both occasions. The first with Ellie Harvey, Portman's assistant, and the second on Portman's personal voicemail. To date there has been no responses to the messages.

DeeDe Weithorn (Weithorn), Miami Beach Commissioner

Weithorn was interviewed via telephone. Weithorn was advised that the COE was investigating whether Portman has registered as a lobbyist for the MBCC development issue. Weithorn was asked specifically as to the topics discussed during the 3/21/13 meeting. Weithorn did not recall what specifically was discussed at the meeting. She believes that the topic of the meeting may have dealt with the finances for the project since she sits on the Finance Committee, and Baisiwala is the financial person for Portman Holdings/CMC. She does not recall whether she called for the meeting.

Weithorn said that she met with Portman on several occasions apart from the meeting on 3/21/13. During those meetings, Portman lobbied her on behalf of Portman Holdings/CMC. She does not know if Portman registered to lobby on behalf of Portman Holdings/CMC.

Edward Tobin (Tobin), Miami Beach Commissioner

Tobin was interviewed via telephone. Tobin was advised that the COE was investigating whether Portman has registered as a lobbyist for the MBCC development issue.

Tobin was asked specifically as to the topics discussed during the 1/18/13 meeting attended by Goodman, Portman and other member of Portman CMC. Tobin did not recall what was specifically discussed at the meeting. Tobin did recall meeting and discussing with Portman/CMC proposal for the development of the MBCC outside the meeting of 1/18/13. Tobin considers the meetings with Portman to reflect lobbying by Portman. Tobin noted that Portman was always in and out of City Hall meeting with personnel.

Jorge Exposito (Exposito), Former Miami Beach Commissioner

Exposito was interviewed via telephone. He recalled that Portman and Goodman visited his office and left a CD, a hardback book which showed the history, and of the Portman Group worldwide and the buildings it had constructed.

Jerry Libbin (Libbin), Former Miami Beach Commissioner

Libbin was interviewed via telephone. Libbin acknowledged that he spoke to Portman concerning the MBCC project. He does not recall the specifics of the meeting of 1/18/13, where Portman and members of his team are listed on the Mayor and Commissioner's visitor log.

Libbin did not consider his 1/18/13 meeting with Portman to be lobbying, since the item was not brought before the Commission until November 2013. According to Libbin, Portman was only providing information about his (Portman's) company.

Michael Gongora, Esq. (Gongora), Former Miami Beach Commissioner

Gongora was interviewed via telephone. Gongora acknowledged that he met with Portman on several occasions prior to July 13, 2013. The purpose of the meetings was to discuss the Portman/CMC response to the RFP issued by the City of Miami Beach for the development of the MBCC. Gongora considered Portman's contacts as lobbying on behalf of Portman/CMC.

Jonah Wolfson (Wolfson), Miami Beach Commissioner

Wolfson was interviewed via telephone. Wolfson was advised that the COE was investigating his allegation as to whether Portman had registered as a lobbyist for the MBCC development issue.

Wolfson did recall several meetings with Portman, whom he referred to as “constantly” being at City Hall. On one occasion, he accompanied Portman to a store-front. Portman had prepared a display, contained in the store-front, of the proposed MBCC. This walk-through happened before Wolfson wrote the letter to the City Manager requesting debarment.

Conclusion:

Report turned over to COE Advocate for filing decision.