



Miami-Dade Commission on Ethics & Public Trust

Preliminary Inquiry Report

Investigator: Robert Steinback

Case No: PI 13-035	Case Name: Welsh-Harris Flyer	<u>Date Open:</u>	
Complainant(s):	Subject(s): Bob Welsh and Walter Harris	November 19, 2013	

Allegation(s):

Concerns were raised that the subjects violated the state's Government-in-the-Sunshine law by cooperating outside the view of the public to assemble and distribute a flyer throughout the City of South Miami.

Relevant Ordinances:

Government-in-the-Sunshine law, 286.011 (1), F.S.: "All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings."

Investigation:

Interviews

South Miami **Commissioner Bob Welsh** (Welsh), on November 15, 2013, at South Miami City Hall, 3 p.m.

Summary of interview

The COE investigator met with Welsh to discuss several matters. During the part of the interview related to this matter, Welsh said that he has had a long-standing practice, dating back to before his days as a City Commissioner, of distributing flyers by bicycle to approximately 3,000 residences in South Miami. This practice is how he acquired the nickname "Bicycle Bob."

Since he has been on the Commission, Welsh has continued this practice, only on several occasions he has offered to distribute flyers for other commissioners as well. In April, for example, he offered to distribute for free a flyer that Mayor Philip Stoddard (Stoddard) had desired to print. In that instance, Welsh took it upon himself to add his own politically oriented material to the back side of Stoddard's flyer. Welsh said he did this to save money – by using both sides of each sheet of paper – and time, by distributing both messages with one circuit of the city. "I always like to save paper and I like to save my knees, and not make two trips around the city."

Similarly, in the case of the flyer that is the subject of this investigation, both Commissioner Walter Harris (Harris) and South Miami City Commission candidate Gabriel Edmond (Edmonds) sought to distribute messages to South Miami residents. Welsh, as has become his custom, offered to distribute the messages for no charge via bicycle. "I told them I was going out on a flyer run and to send that stuff to Station America [the print shop]. I paid for my side[s] and half the collation cost." Edmonds and Harris "each paid for their side of the page and a quarter of the collating [cost]."

South Miami **Commissioner Walter Harris** (Harris), on January 22, 2014, by telephone.

Summary of interview

It should be noted that Harris is running for reelection to his City Commission seat.

Harris explained to the COE investigator that Welsh has made a practice for a long time of riding throughout South Miami on his bicycle distributing flyers for himself and others. Harris was aware that Welsh was distributing a flyer for City Commission candidate Gabriel Edmond. Harris said he was unsure if Welsh was distributing Harris' campaign flyer at the moment of our conversation. After the conclusion of the telephone call, Harris called back and said that Welsh was, in fact, distributing a flyer for him, and that he asked him to stop. Harris said that henceforth, he would take responsibility for distributing his own flyers.

With respect to the four page flyer that is the subject of this case, Harris said that his message had been conjoined with the messages from Welsh and Edmond without his knowledge. Harris

said he was “annoyed” to discover that his message had been “thrown in” with the other messages that Welsh had assembled and distributed in one bicycle circuit of the city. “I did not want that message to be part of a group thing,” Harris said.

Document/Audio/Video Review:

The COE investigator received a copy of the flyer in question by e-mail from Valerie Newman (Newman). The copy in the file is not the original flyer, which was printed front and back on two pages stapled together.

Page one of the flyer was Welsh’s “Unofficial Dog Park Survey,” intended to gauge the feelings of residents regarding a proposed dog park being advocated primarily by Harris with Welsh’s support. Welsh’s name is at the bottom of the page as the author of the page. Welsh states that Newman and South Miami City Commission candidate Donna Shelley “oppose a dog park.” Welsh asked respondents to mail or e-mail the completed survey to him.

Page two of the flyer was a missive entitled “Why I Voted ‘No Confidence’ in Police Chief Orlando Martinez de Castro.” This related to the firing of South Miami’s Police Chief on August 15, 2013. Welsh affixed his name to the bottom of this page.

Page three of the flyer, entitled “Fellow South Miamians,” was written by Harris. It was a response to reporting and commentary by Michael Miller, who is owner and editor of Community Newspapers, which publishes South Miami News. Harris accused Miller of partisanship and inaccurate reporting. It was the printed version of a statement Harris read aloud at a City Commission meeting a short time prior. At the bottom of the message was the statement, “paid for by Com. Walter Harris.”

Page four of the flyer, addressed to “Dear Neighbor,” was a letter written by City Commission candidate Edmond. This message introduced the candidate to the reader, outlining the candidate’s goals and qualifications. At the bottom of this page was, “Pol. Adv. Pair for and Approved by Gabriel Edmond for South Miami Commissioner.”

Analysis

Welsh has a long history of delivering flyers to virtually all South Miami households, numbering more than 3,000, by bicycle. He has continued the practice after winning his own seat on the City Commission. Complications have arisen from what apparently is a standing offer to his political allies on the Commission, Stoddard and Harris, to deliver flyers for them as well. In the present case, Welsh also has delivered flyers for City Commission candidate Edmond.

Welsh in the past (COE case K13-191) has combined his own message with that of another commissioner (Stoddard), creating a document whose authorship and sponsorship by the city were unclear and confusing to voters. In both that case and the present one, the combination of

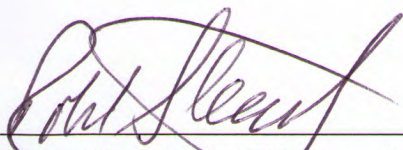
messages by members of the same elected body creates at least an appearance that commissioners are routinely discussing city business outside the public's view.

There is no real evidence that this is in fact, more than an appearance problem Welsh considers his service a cost savings to the city as he charges no fee. By the same reasoning, he has united messages – sometimes without the knowledge of his fellow elected officials – to save on the costs of paper. Such cost efficiencies have long been a hallmark of Welsh's activities, and there is no reason to doubt that these rationales continue to motivate him.

However, the fact that his services end up being used only by his political allies does create a troubling suggestion of collusion by certain elected officials beyond the view of the public, and as such, is a practice that should be discouraged. Moreover, he is providing, a thing of value for free to candidates. The candidates should be reporting this service as an "in kind" contribution to their campaigns on their CTR's.

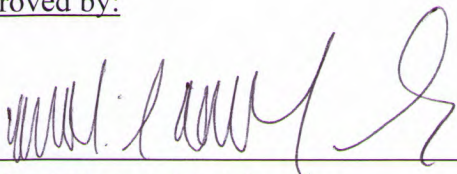
Conclusion(s):

There is no identifiable ethics violation, and no violation of the Government-in-the-Sunshine Law; accordingly, this matter is closed without further action.

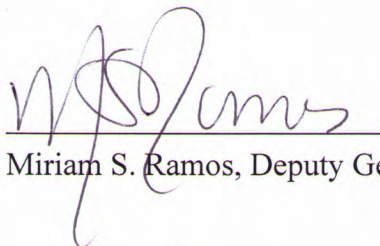


Robert Steinback, COE Investigator

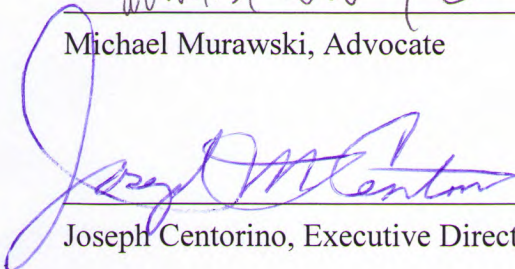
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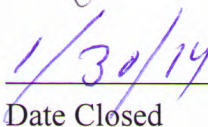
Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director



Date Closed