



**CASE CLOSED**  
Date 3/6/2018

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

**Report of Investigation**

**Investigator:** Larry Lebowitz

<b>Case:</b> PI-15-049	<b>Case Name:</b> Bayshore HOA	<b><u>Date Open:</u></b>	<b><u>Date Closed:</u></b>
<b>Complainant(s):</b> Bayshore Homeowners Association	<b>Subject(s):</b> Philip Levine, Jonah Wolfson and Bergeron Land Development	10/28/2015	

**Allegation(s):**

Allegations of a “pay to play” arrangement between a Miami Beach contractor (Bergeron) that donated \$12,500 to a Political Action Committee operated by a term-limited city commissioner (Wolfson) and benefiting the re-election campaign of the city mayor (Levine).

**Relevant Law:**

**City of Miami Beach Code, Division 5, Campaign Finance Reform**  
Sections 2-487 Prohibited campaign contributions by vendors  
2-488 Prohibited campaign contributions by lobbyists on procurement issues  
2-489 Prohibited campaign contributions by real estate developers  
2-490 Prohibited campaign contributions by lobbyists on real estate development issues  
2-491 Prohibited lobbying by campaign consultants

**Investigation:**

***Document(s) Reviewed:***

Initial emails and letter sent by Bayshore Homeowners Association (the HOA) to COE Executive Director Joseph Centorino dated Oct. 22, 2015, including several photographs of a construction site, equipment and trailers belonging to Bergeron Land Development Inc. (“Bergeron”). The HOA has been in a long-running dispute with the City of Miami Beach over the removal of contaminated soils and other materials dumped on a portion of the municipal golf course near 28<sup>th</sup> Street and North Meridian Avenue. In late

2014, the city awarded several construction contracts to Bergeron to address sea-level rise and other infrastructure needs, including the eventual construction of a new Parks Department operational center on the golf course site. As part of those contracts, the city allowed Bergeron to stage equipment and office trailers on the golf course site prior to building the Parks center. As the letter notes in the second paragraph: "At the outset it is acknowledged that we do not have at our disposal all relevant facts and circumstances relating to the concerns raised herein." The HOA accused the city of creating a "pay to play" environment, citing a controversial Political Action Committee (PAC) called Relentless for Progress (RFP), that was being run by then-City Commissioner Jonah Wolfson for the stated benefit of helping then-Mayor Philip Levine as he was running for re-election. In the instant complaint, the HOA intimates that the city is providing Bergeron special treatment/protection from accountability because of a \$12,500 donation Bergeron made to the RFP PAC. The PAC was the subject of a separate, more detailed COE inquiry – see K15-044.

**Document(s):**

Beyond the initial letter and photos and a handful of emails, see all other relevant documents in K15-044

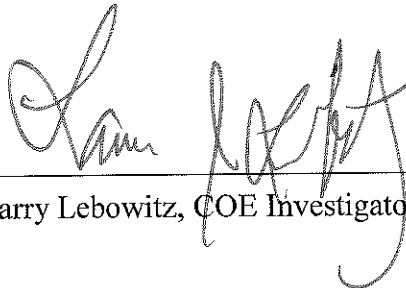
**Conclusion:**

This was basically a neighborhood dispute between the HOA versus Bergeron and an array of city departments that were in charge of overseeing the Bergeron work and conditions at the golf course storage site. The HOA simply seized onto the ongoing campaign-finance controversy already swirling over the RFP PAC.

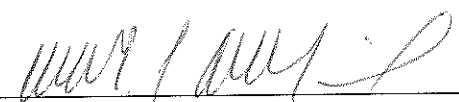
As the closeout for K14-044 notes, shortly after this complaint was filed, Wolfson (and Levine) agreed to close the PAC and return the unspent funds to squelch any further controversy. Wolfson subsequently sponsored changes to the city's Code that strengthened the ordinance and made contributions to PAC's by City vendors illegal.

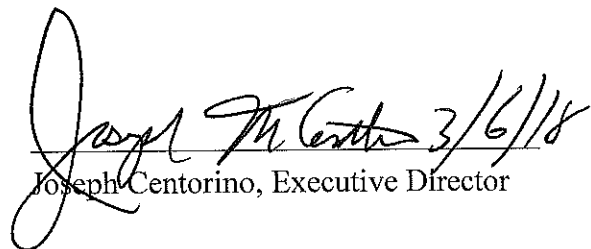
The COE Executive Director worked closely with the City legal staff, manager's office and elected officials to help shape the improved ordinances that was adopted by the Miami Beach City Commission in January 2016.

After discussion with the Ethics Advocate, it was determined that this matter would be closed with no further action.

 3/6/18  
Larry Lebowitz, COE Investigator

**Approved by:**

 3/6/18  
Michael Murawski, Advocate

 3/6/18  
Joseph Centorino, Executive Director