



Miami-Dade Commission on Ethics & Public Trust

Report of Investigation

Investigator: Susannah Nesmith and Larry Lebowitz

Case: K 17-32	Case Name: Garrido	Date Open: 7/3/2017	Date Closed:
Complainant(s) N/A	Subject(s): Improper lobbying	CASE CLOSED	
		Date:	6/25/18

Allegation(s):

Information was received anonymously that Jose Garrido (Garrido) may have engaged in unregistered lobbying as well as lobbying in violation of the county's two-year rule. He left county employment in August of 2016. He has met with staffers in Zoning on behalf of clients, including Raul Pino, platting and traffic review chief, and Felix Acosta, Planning and Zoning agenda coordinator. It was also alleged that Garrido conducted business with the county while he was still a county employee when a musical he wrote, "Suenos", was performed at the Miami-Dade County Auditorium.

Relevant Law:

Sec. 2-11.1.
(q) Continuing application after county service. (1) No person who has served as an elected county official, i.e., mayor, county commissioner, or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager, department director, departmental personnel or employee shall, for a period of two (2) years after his or her county service or employment has ceased, lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect.

Additionally, no person who has served as a community council member shall, for a period of two (2) years after his or her county service or employment has ceased, lobby, with regard to any zoning or land use issue, any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Nothing contained in this Subsection (q) (1) shall prohibit any individual included within the provisions of this subsection from submitting a routine administrative request or application to a county department or agency during the two-year period after his or her county service has ceased.

(s) Lobbying

(2) All lobbyists shall register with the Clerk of the Board of County Commissioners within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first.

(c) Prohibition on transacting business within the County. (1) No person included in the terms defined in subsection (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business, except as provided in subsections (c)(2) through (c)(6) in which he or she or a member of his or her immediate family has a financial interest, direct or indirect, with Miami-Dade County

Investigation:

Interviews:

In early September 2017, weeks after the anonymous complaint arrived at the Commission offices, COE became aware that Commissioner Javier Souto may have additional information regarding Garrido's activities after he resigned from county service. Garrido had been employed by the commissioner's office from April 2013 to August 2016.

COE Investigator Lawrence Lebowitz and COE Executive Director Joseph Centorino met with Commissioner Souto. The commissioner's chief of staff, Aldo Gonzalez, was also present. During the meeting, Souto mentioned that he had in his possession a photograph he had taken on his cellular phone of Garrido in the lobby of County Hall on Aug. 30, 2017. The commissioner believed that Garrido was on his way to the 9th floor zoning office at County Hall and may have been lobbying on behalf of clients in that office. The commissioner believed that video surveillance cameras might show that Garrido was on the zoning floor around the same time as the photographs and that County Hall Security/Building Manager Armando Santelices might have the surveillance videos. (Santelices refused to respond to at least five COE requests for an interview)

The commissioner also mentioned that Garrido may have been involved in the production of Cuban exile-themed musicals at the county-owned Dade County Auditorium with a prominent jazz musician named Jose Negroni.

On Jan. 26, 2018, Investigator Nesmith spoke with Raul Pino, Platting and Traffic Review Chief, about a meeting he had regarding a pre-application submitted by Rafael Garcia for the property at 7370 NW 12th St. Mr. Pino recalled meeting with someone about the property and agreed to research it.

He called back a few minutes later and described the paperwork he has. It shows Jose Garrido as one of the representatives of the property and that he met with Garrido on June 12 at 9:30 a.m. The pre-application was for a hotel to be built on the property but Mr. Pino told the representatives that the property lacked the proper access, which would have to be obtained from FDOT because it's on a state road. He recalled that he also told them that the access they were proposing crossed an adjacent property so they'd have to get permission in writing from that property owner to include with their application.

Mr. Pino said he asked his secretary to search his calendar to see if he had ever met with Mr. Garrido regarding any other matters, documentation Pino provided showed that Garrido had also met with Carl Harrison in Zoning.

On Jan. 26, 2018, Investigator Nesmith spoke with Mr. Harrison. He recalled meeting with Garrido on multiple occasions. He provided documentation showing that he met with Garrido on May 11, 2017 on the airport property. He also met with Garrido on September 27, 2017 regarding a single family home. Five county employees attended that meeting.

Harrison said he also recalled meeting with Garrido and his uncle, Jorge Garrido, regarding an application for a Flanagan's at 12750 N. Kendall Drive. Jose Garrido's name does not appear in the application materials, but Harrison recalls speaking to him about the restaurant when he filed the application in person on Jan. 13, 2017.

Meetings:

Jan. 13, 2017 – with Carl Harrison on Flanagan's property

May 11, 2017 – with Carl Harrison and four other county employees on the airport property

June 12, 2017 – with Raul Pino on the airport property

Sept. 27, 2017 – with Harrison on a single family home

On Jan. 29, Investigator Nesmith spoke with Felix Acosta. He said he knew Garrido from his days on community council 10 and that he had seen him recently when he came into the

office to introduce his uncle. Acosta couldn't remember the uncle's name and wasn't sure exactly when this was, but within the past few months, three or four, he thought. He said the uncle was back in the Planning and Zoning offices last month, but he doesn't know what he was working on.

Acosta offered to call back if he remembered anything else.

On March 28, 2018, Investigator Nesmith went to Planning and Zoning to talk to staffers about Garrido's visits.

Special Projects Administrator Susan Forney identified Garrido as a participant in a March 22, 2018 pre-application meeting regarding the Creative Peacock Learning Academy development proposal.

Several other employees reported that they had seen Garrido on the floor but weren't sure what he was doing there. The March 22 meeting was the only recent one this investigator could discover.

On May 31, 2018, Garrido came to the COE along with his uncle, Jorge Garrido, an attorney who explained that he works with clients trying to get or keep a liquor license.

Jose Garrido described his work as purely "ministerial tasks," saying he only asked county employees for information but did not advocate for any decisions on behalf of his clients or his uncle's clients. He said he sometimes inquires about properties owned by clients of his in his work as a realtor, mostly to find out what zoning will allow for a property that he is listing. He also works with his uncle and in that capacity, he compared his job to that of a paralegal because he has studied architecture but does not have his credentials.

Jorge Garrido explained that he used his nephew's services because sometimes liquor licenses have requirements related to parking or other issues having to do with zoning. "I don't know how to read site plans," he said.

Document(s) Reviewed:

The lease agreement between Jose Negroni and the Miami-Dade Auditorium for the production of Suenos on May 15, 2016.

The final settlement after the event – Negroni had to pay \$159.96 because ticket sales didn't cover the costs of the auditorium.

Advertising for the event.

The House Manager's Report.

All emails sent or received by Auditorium staffers regarding the production. None were to or

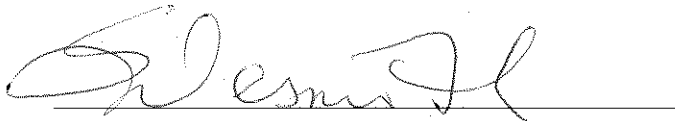
from Garrido. Garrido was also not a party to the contract.

Emails between Jose Garrido and Carl Harrison. In each of the emails sent by Garrido, he is only asking for information about zoning or discussing the timing of a pre-application meeting.

A photograph of Garrido in the lobby of County Hall provided by the office of County Commissioner Javier Souto.

Conclusion:

After review with the Ethics Commission Advocate, it was determined that the evidence was insufficient to establish that Mr. Garrido had violated the two-year rule by engaging in lobbying activities. Section 2-11.1(q) (1) contains a provision that specifically exempts the submittal of routine administrative requests or applications to the County from the prohibition of the two-year rule. Additionally, there was no evidence to support a finding that Garrido engaged in outside employment. Accordingly, this matter is closed with no further action.

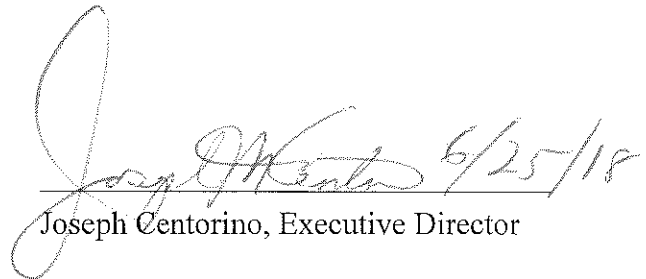


Susannah Nesmith, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director