



Miami-Dade Commission on Ethics & Public Trust

Report of Inquiry

Investigator: Breno Penichet/Larry Lebowitz

Case Number PI 17-13	Case Name: Lobbying	Date Open: February 14, 2017	
Complainant(s): Jose Smith / City Attorney North Miami Beach	Subject(s): Mitchel H. Edelstein	Date Close:	CASE CLOSED

Date: 9/26/17

Allegation(s):

The COE received a request to investigate allegations concerning the possible violation of the Lobbyist registration requirements by Mitchel H. Edelstein. .

Relevant Ordinances:

The Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1 (s) *Lobbying definition, requirements regarding registration and disclosure of expenses.*

Investigation:

Interviews

On 2/14/2017 the COE received information via E-mail from Mr. Jose Smith (Smith) City Attorney North Miami Beach.

According to Smith, two City officials one elected, and the other a staff member, were contacted by Mitchell Edelstein (Edelstein) who is known to both parties.

According to Smith during the course of the conversation Edelstein brought up the subject of a pending law suit filed by Commissioner Frantz Pierre involving several officials in the City of North Miami Beach (NMB).

During the conversation Edelstein allegedly told the Commissioner and Staff member that he was representing Pierre, and it would be "better for the City" to settle the suit by offering Pierre some money.

A records check of Florida Corporations revealed that Mitchell Edelstein is the Registered Agent, for Florida Corporation: **Strategic Campaign Consultants, Inc.** DC# PO4000050128

Anthony Defillipo

Commissioner
City of North Miami Beach.

Anthony Defillipo (Defillipo) voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegations, Defillipo advised that he is a current member of the City of North Miami Beach Commission, he also advised that because of his position he is aware of the litigation taking place between the City and Commissioner Frantz Pierre.

Defillipo advised that on February 10, 2017 he received a phone call from Edelstein announcing that he (Edelstein) was in the process of gathering campaign contributions for Defillipo's upcoming re-election. The conversation was friendly.

Defillipo advised that Edelstein does run a campaign consulting business and is trying to run his (Defillipo's) campaign for NMB Commissioner. Defillipo advised that he felt Edelstein was making a broad statement regarding the law suit and was not trying to apply pressure or lobby him.

Jorge Exposito

Risk Manager
City of North Miami Beach.

Jorge Exposito (Exposito) voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegations, Exposito advised that he is the current Risk Manager for NMB. He also advised that because of his position he is aware of the litigation taking place between the City and Commissioner Frantz Pierre.

Exposito advised that he received a phone call from Edelstein whom he has known for several years. During the conversation Edelstein brought up the subject of the Frantz Pierre lawsuit.

Edelstein told Exposito that he should convince the City officials to settle the suit by giving Pierre some money and an apology, Edelstein further stated that Pierre would be willing to drop the law suit. Exposito provided the information to the City Attorney, who in turn reported it to the COE.

Exposito advised that Edelstein runs a campaign consulting business and did run his (Exposito's campaign when he ran as a Miami Beach Commissioner).

Exposito advised that he felt Edelstein was making a broad statement regarding the law suit about how bad it looked for the City. Exposito said he did not feel pressured but reported the conversation to the City Attorney.

Mitchell Edelstein

On May 17, 2017 Mr. Mitchell Edelstein (Edelstein) accompanied by his Attorney Benedict Kuehne provided a sworn statement to COE Advocate M. Murawski and Investigator B. Penichet pursuant to a Subpoena Ad Testificandum. Edelstein advised that he owns a campaign consulting company which provides campaign strategies to candidates. In the case of Commissioner Defillipo who is running for reelection, he (Edelstein) was providing general campaign advice, and what he felt could be a major pitfall in dealing with a certain segment of the community. Edelstein denied "lobbying" on behalf of Frantz Pierre, denied being asked by Pierre to intervene in the matter or even discussing a settlement of the lawsuit with Pierre (for details refer to sworn statement).

Document/Audio/Video Review:

1. Florida Corporation Page showing Strategic Campaign Consultants, Inc.
2. Subpoena Ad Testificandum for Mitchell Edelstein
3. E-Mail from North Miami Beach City Attorney Jose Smith requesting an investigation.

Conclusion(s):

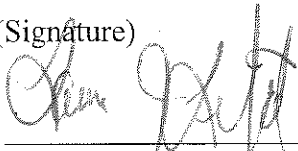
As a result of the interviews and a review of the documents provided, it appears that Edelstein was likely acting as a campaign consultant/friend of those with whom he spoke, rather than a lobbyist. It is possible that his discussion with his client, Councilman Defilippo, was in the nature of political advice, and that his mention of the matter to his former client, Exposito, was in the nature of friendly advice.

Although the witnesses appeared to minimize the extent of their conversations with Edelstein, it does appear that Edelstein was attempting to influence the outcome of the civil action by encouraging city officials to settle the case. Nonetheless, this would not be a lobbying violation because there is no evidence that Edelstein was retained by Pierre or anyone else to lobby the officials regarding the law suit.

There is no prohibition against an individual's expressing personal opinions regarding public issues to public officials, regardless of whether he has any personal or business relationship with those officials. However, this incident illustrates the concerns that can be raised when political consultants engage in discussions with public officials, who are also their clients, regarding official actions or votes that they will be taking in their official capacities.

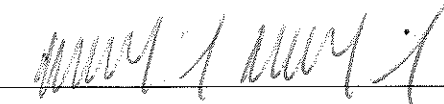
After discussion with Advocate Michael Murawski it was determined that this matter would be closed with no further action.

(Signature)

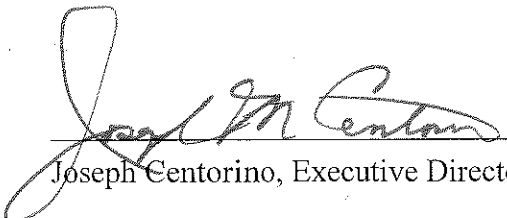
 9/26/2017

Larry Lebowitz, COE Investigator
for B. Kerichet, Retired

Approved by:



Michael Murawski, Advocate


Joseph Centorino, Executive Director

9/26/17
Date Closed