



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Karl Ross

Case: PI 17-033	Case Name: Councilman Larry Roth	<u>Date Open:</u>	<u>Date Closed:</u>
Complainant(s):	Subject(s): Homestead Councilman Larry Roth	Aug. 24, 2017	CASE CLOSED

Allegation(s):

Date: 1/17/18

Information was received anonymously that suggested Homestead City Councilman Larry Roth made an improper representation on a real estate listing advertising the sale of 45 acres of agricultural land in Homestead. The listing stated in the "remarks" section that:

"City of Homestead will not object to reclassification on their master plan and rezoning if the use is reasonable and desirable for the city!" Printed at the bottom of said listing was "Prepared By: Lawrence L. Roth" and "Date Printed: 08/14/2017 03:50 PM."

The appearance is that Roth prepared the listing, and, as he would have a vote on any subsequent rezoning, could have a conflict of interest or may have exploited his position.

Relevant Ordinances:

Miami-Dade County Code, Sec. 2-11.1(g), *Exploitation of official position prohibited*, stating in applicable part that no person ... "shall use or attempt to use his official position to secure special privileges or exemptions for himself or others ..."

Furthermore, Sec. 2-11.1(d), *Further prohibition on transacting business with the [City]*, states in applicable part that no person ... "shall vote on or participate in any way in any matter presented to the [City Council] if said person has any of the following relationships with persons or entities which would be or might be directly or indirectly affected by any action of the [Council] ... or if in any instance the transaction or matter would affect the person ... in a

manner distinct from the manner in which it would affect the public generally.”

Investigation:

Interviews

George Gretsas, City Manager

City of Homestead, FL

Sept. 25, 2017

On the above date, City Manager Gretsas discussed COE's records request in a telephone call, and provided additional context as provided below in a subsequent email.

Attached is the original email that I sent to Joe Corradino, Homestead's Planning Director and CC'd James White, the City Attorney that handles planning matters for the City. I sent the email because Councilman Roth had mentioned to me that he saw a listing on MLS about a property that was for sale in the City of Homestead and that he noticed that on the listing the listing agent made some representations about the City being flexible about the zoning. Councilman Roth wanted to know if I knew anything about it and whether the City had given any direction to the listing agent about the zoning being flexible. I asked Councilman Roth to email me the listing so that I could question our Planning staff to see if maybe they had told the listing agent that the City would be flexible because clearly it would not be appropriate for them to do so. Down at the bottom of the attachment, you will see "Prepared by Larry Roth" and the date that it was prepared. He prepared that at my request so that I could get a copy of it and forward it to the planning staff. He is not the listing agent for the property. I will forward you additional emails that will show that Joe asked his staff about it and that he claims that no one on his staff gave the listing agent any information about the property. The whole matter originated as a consequence of Councilman Roth properly asking the question and emailing a copy of the listing to me at my request so that I could investigate the matter.

Manager Gretsas stated he would provide the requested documentation, but advised the listing in question was not that of Councilman Roth (as stated in the public records request).

Lawrence "Larry" Roth, Councilman

City of Homestead, FL

Oct. 13, 2017

Councilman Roth returned a telephone message and advised that he had no involvement whatsoever in the preparation of the listing in question, MLS #A10114650.

He advised that he saw the listing while conducting research on another property to get an idea what price similar land was selling for and that he was surprised at the language in the listing suggesting that the City of Homestead would approve a zoning change.

“I was just looking for comparable properties, prices per acre ... I came across this property and was surprised by the text and so I sent it to the City Manager. ... I was surprised that somebody would actually put a statement like that on the MLS.”

Councilman Roth said he had no business relationship with the agents who prepared the listing – Piedad Vargas and Jackeline Londono – or their brokerage – Morgan Whitney Inc.

He said he felt the language in question was “misleading” and could violate the code of ethics for the real estate profession. He said his name appeared on the listing document because he printed out the listing but not because he was in any way affiliated with the listing itself.

Piedad Vargas, real estate sales associate Morgan Whitney, Inc.
235 Lincoln Road, Suite 307
Miami Beach, FL 33139
Oct. 27, 2017

Ms. Vargas advised in an interview that she helped prepare the listing in question with co-agent, Jackeline Londono. She said the listing was prepared for her employer, Morgan Whitney, and that she does not know and has never met Councilman Roth.

“The listing is from Morgan Whitney,” Vargas said. She further advised that the language in the “Remarks” section was based on information provided by the seller. She said she and Londono met with the seller on two occasions while preparing the listing.

Ms. Vargas stated that neither she nor her colleague had any input from anybody working for the City of Homestead. She declined to provide the name of her customer.

Note: Public records retrieved from Sunbiz show that Marista Holdings, the owner of the properties in question, is located at 26401 SW 107th Ave., Homestead, FL, and that the sole officer in that corporation is Lourdes Rodriguez, also located at the same address.

Document/Audio/Video Review:

On Sept. 5, 2017, COE ran a license search with the Florida Department of Business and Professional Regulation and found that Lawrence Leo Roth of 1439 Loon Ct., Homestead, FL, holds a Sales Associate license in real estate, No. SL671543, and that the license is “current” and “active.” It was further determined the license was activated through the Keyes Company,

a real estate brokerage firm, and had been since May 31, 2005.

On the same date, COE checked Councilman Roth's business website containing listing on the Southeast Florida MLS, retrieved from <http://larryroth.sef.mlxchange.com/?Page=366003> and found no listings corresponding to the two parcels totaling 45 acres in question. The link showed Roth had six unrelated listings – three sales and three rental properties.

A review of property records on file with the Miami-Dade County Property Appraiser's Office showed that the property in question was comprised of two folios and owned by Marista Holdings LLC. The records further reflected the land was zoned for agricultural use.

A public records request was sent to the Homestead City Clerk on Sept. 22, 2017, requesting any emails, correspondences or other records pertaining to any communication between the owners or agents of the property and members of the City's professional staff.

The City responded to the request on Sept. 25, 2017, and the reply consisted of several email chains between Councilman Roth, City Manager George Gretsas and the City's Planning and Zoning Director Joseph Corradino. Copied on the emails was James E. White, an assistant City Attorney. The emails showed the following:

That at 3:54 p.m. on August 14, Councilman Roth sent City Manager Gretsas an email with a copy of the listing in question attached and wrote: "Hey George see attached." (It should be noted that the email was sent 4 minutes after the listing report was "prepared" by Roth.)

The following day, August 15, at 12:10 a.m., Manager Gretsas sent an email to Corradino, asking: "Can you check with the staff to see if anyone told the realtor anything that led to the remarks in the listing about the master plan? Thanks."

At 5:14 p.m. on August 15, Corradino replied to Gretsas, writing: "We have not told potential applicants anything that would lead to this statement."

To which Gretsas replied that same date at 6:53 p.m., stating: "Does that include the Realtor? If so, please call and let them know that the statement is inappropriate in that it makes unauthorized representations on the City's behalf. Thanks."

At 6:54 p.m., same date, Corradino responded by saying: "Will do."

Conclusion(s):

After preliminary review, it does not appear that Councilman Roth had any involvement with the listing in question other than bringing to the attention of the City's administration that the language in the "Remarks" section could be construed as misleading.

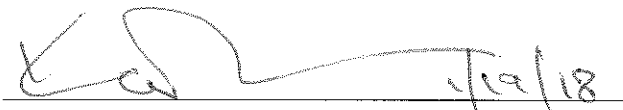
Councilman Roth is a state-licensed real estate sales association (No. SL671543) and has held said license since December 1998. His license is activated through his employer/ broker – Keyes Company – which has employed Roth since May 2005, public records show.

The listing in question (MLS #A10114650) belongs to Morgan Whitney Inc., and has no relation to Keyes or Councilman Roth. The only reason Roth's name appears at the bottom of the listing sent anonymously to COE is because Roth printed out the listing, and the program used by the MLS includes the name of the agent who printed out the listing. This is a common practice and is intended as a courtesy to real estate customers working with the agent.

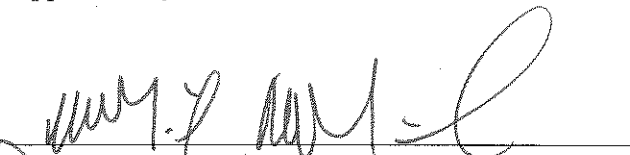
This does not denote, however, that Roth had any involvement with the listing itself as he can only list properties through his employer, the Keyes Company, under Florida law.

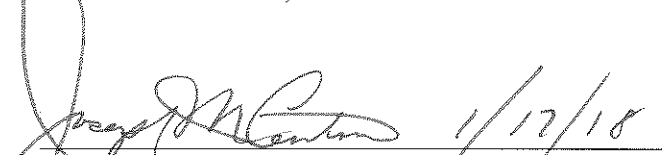
The City management, acting on the information supplied by Councilman Roth, did conduct an internal review and found that nobody on the City's professional staff assisted the listing agents or made any improper representation with respect to the property in question.

Accordingly, the preliminary inquiry should be closed at this time with no further action.


Karl Ross, COE Investigator

Approved by:


Michael Murawski, Advocate


Joseph Centorino, Executive Director