



**CASE  
CLOSED**

Miami-Dade Commission on Ethics & Public Trust

4-18-19

**Investigative Report**

**Investigator:** Karl Ross

<b>Case:</b> K18-018	<b>Case Name:</b> Klub24	<b><u>Date Open:</u></b>	<b><u>Date Closed:</u></b>
<b>Complainant(s):</b>	<b>Subject(s):</b> Opa-locka City Manager Eddie Brown, lobbyist Eddie Dean, et al.	March 12, 2018	April 18, 2019

**Allegation(s):**

Information relayed to this agency suggested possible unregistered lobbying in violation of the County Ethics Code by Eddie Dean who has interacted with numerous City officials over the past several years and other City officials, such as City Manager Eddie Brown, accused by the City Attorney and others of making material misrepresentations or omissions in connection with the licensure issue.

Potential criminal conduct involving the alteration or falsification of public records was also received. This latter information was related to a nude dance club located at 3699 NW 135<sup>th</sup> Street, owned by B&G Opa Holdings LLC and doing business as "Klub 24" and an Occupational License and Certificate of Use issued on or about January 4, 2017.

The criminal conduct was investigated by this agency in partnership with agents of the Florida Division of Alcoholic Beverages and Tobacco (ABT). ABT is tasked, in part, with conducting criminal investigations relating to licensing of establishments that serve or sell alcoholic beverages. ABT has a law enforcement bureau with arrest authority.

**Relevant Ordinances:**

Miami-Dade ethics code, Section 2-11, subsection (s), titled *Lobbying*, states in applicable part that: "All lobbyists shall register with the Clerk of the [Village] within (3) three business days of being retained as a lobbyist or before engaging in any lobbying activities ..." The ethics code further requires that principals must file a form with the clerk identifying any lobbyists and "stating that the lobbyist is authorized to represent the principal ..."

Opa-locka Ordinance No. 91-12 also requires lobbyists to register before engaging in lobbying activities, as incorporated into the municipal code, Sec. 2-18, titled *Lobbying*, which holds in applicable part that: "All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to so register shall (a) register on forms prepared by the city clerk, (b) pay a registration fee of three hundred dollars (\$300.00) and (c) state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issues on which he or she has been employed to lobby."

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 ..."

The portion of the Miami-Dade County ethics code known as The Citizens' Bill of Rights, states in subsection, (2)(a) titled *Truth in Government*, that: "No County or municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public."

## **Investigation:**

### ***Interviews***

Commissioner Mathew Pigatt  
City of Opa-locka, FL  
March 9, 2018  
Phone: (786) 269-1252, city cell

In a telephone interview, Comm. Pigatt advised he was approached by individuals connected to Klub24, a new strip club located at 3699 NW 135<sup>th</sup> Street (formerly "Crabby's"), during the Jan. 26, 2018, State of the City event held at the Sherbondy Village recreational center.

After the Mayor's address, Comm. Pigatt said he was approached by a private investigator, Pete Guzman, and that Guzman gave him a card identifying him as vice president of SWAT Security. He said Guzman told him that he had been hired to protect the interests of Mayor Myra Taylor and that Guzman insinuated Pigatt lived outside of Opa-locka at an address in Miramar. The same address had been used in a police report filed by City Manager Eddie Brown against Pigatt on Jan. 12, 2018, which was included in a COE complaint.

Comm. Pigatt said he took exception to any reference to the Miramar address, because that's where his mother resides. He said he lives in Opa-locka proper.

Comm. Pigatt said that Guzman left and a short time later he was approached by Eddie Dean, a representative of Klub24 and that Dean introduced himself as "a business owner in the city." He said Dean told him, "I'm the man involved with the strip club. I have \$2 million cash invested ... We have to figure something out. If needed, I'll take care of you."



Comm. Pigatt said he responded to Dean by telling him that the City of Opa-locka operated based on laws, rules and regulations and that Mr. Dean would have to abide by the same.

Comm. Pigatt said that Dean left but approached him soon afterward in front of Sherbondy Village, and that he reiterated to Dean that Klub24 needed to meet the legal requirements to operate in Opa-locka, including approvals from the Planning Board and City Commission.

Comm. Pigatt said he had a third interaction with Dean that evening after Dean "jumps in the picture" that Pigatt was posing for with a constituent following the address. He said that after the photo, Dean shook his hand and stated: "One of us is going to win, and I don't lose." He added that "we have private investigators and we know about that house in Miramar."

Further information regarding this interview is available in the investigative file.

Comm. Timothy Holmes  
City of Opa-locka, FL  
Phone: (786) 412-3785  
March 29, 2018

In a conference call with COE Executive Director Joseph Centorino and Investigator Ross, Comm. Holmes stated he had been approached by Klub 24's representative, Eddie Dean, but that Dean had not engaged him on the subject of the club's licenses. "The Dean guy, he's been trying to talk to me for the longest time ... but I haven't given him a chance because I don't want to get involved in that illegal [stuff]."

Due process hearing at Opa-locka City Manager Office  
April 2, 2018

A "due process" hearing invoked by Opa-locka's building official, Esin "Daniel" Abia, was held at the City Manager's conference room commencing at about 10 a.m. and ending at about 11:23 a.m. In attendance were Mr. Abia, City Manager Ed Brown, City Attorney Vincent Brown, attorney Robert H. Fernandez for Klub 24 along with his clients, Philip Gori and Gregg Berger. This writer was granted access shortly after the meeting began.

Further information regarding this hearing is available in the investigative file.

Olga Pichardo, licensing clerk  
City of Opa-locka, FL  
April 4, 2018

In a tape-recorded statement at Opa-locka City Hall, 780 Fisherman Street, Ms. Pichardo gave a statement to state Division of Alcoholic Beverages & Tobacco (ABT) special agents Archie Moore and Shelia Gerald and COE investigator Karl Ross. Also present was City Attorney Brown. She advised she has worked for the City for about 21 years since 1997.

Ms. Pichardo said she initially worked for the City's library, but has worked as a licensing clerk in the Building Department since about the year 2000. She said the only other employees are Mary Brown, another clerk, and the City's building official, "Dan" Abia. She said she mainly issues Occupational Licenses and Certificates of Use, which are issued in tandem with Occupational Licenses to make sure the business is limited to authorized usages.

She said that there are approximately 40 to 50 authorized uses but that to her knowledge, Adult Entertainment, is not one of them. She said she is not aware of any other businesses in Opa-locka approved for adult entertainment and does not recall how the licenses in question were issued to Klub 24/ B&G Opa Holdings LLC. "I didn't work that much with that business," she said. "I mean they came and they go so much."

Ms. Pichardo, a native of the Dominican Republic, said she has limited command of English, but said she sometimes requests assistance when needed to fulfill her duties. She said that, with respect to Klub 24, she mainly interacted with Eddie Dean, though she said Dean was sometimes accompanied by a second individual, a taller black male in his 30s.

She said that Dean's applications had "a lot of issues" and that she doesn't know who approved the licenses. She confirmed her name and signature on the Occupational License and Certificate of Use, but noted that the signature was computer generated.

She said the licenses would have been printed out by Nelson Rodriguez, the City's IT Director. She said she does not believe that the designation "other clubs" appearing on Klub 24's occupational license is correctly applied (despite the letter she later issued to the contrary). She said that this designation is most commonly used for churches. "It should say, 'Adult Entertainment' ..." but added, "We don't have Adult Entertainment in Opa-locka."

She said Klub 24, to the best of her knowledge, did not have required zoning approvals for adult entertainment. She said such approvals would be granted by Gerald Lee, the City's top zoning official. She said that neither she nor Brown felt the approvals were in order.

Ms. Pichardo was then shown a copy of the letter bearing her name and signature variously dated Jan. 5, 2016, and Jan. 5, 2017. She stated that she did write such a letter specifying that the category "other" included, among other things, adult entertainment because she was directed to do so by her superior. "Mr. Abia told me to write the letter," she said. "He told me to do it." She said Abia told her that his understanding was that "other clubs" included adult entertainment but that she felt this was "something that was very different."

Ms. Pichardo said that because her English is limited she asked a co-worker, Florence West, to help draft the letter and to help her with the language regarding the approved uses.

She noted that, to her knowledge, the business had only been approved as restaurant.

With respect to the "strike-through" of the date 2016 to 2017, Ms. Pichardo advised that she did not change the date of her letter and add the "7" to make the year 2017. She further advised that only the signature on the first version of the letter appeared to be hers. She stated that the second signature on the revised letter "looks kind of different."



Ms. Pichardo said she did not take any direction on the matter from then City Manager Yvette Harrell or from any other City official, elected or otherwise – only Mr. Abia.

NOTE: COE received a call from Ms. Pichardo's supervisor, Esin "Dan" Abia, at 2:24 p.m. on April 4 (following the interview), stating that his call was "very urgent" and asked it be returned. At 2:48 p.m., Ms. Pichardo left a message in Spanish with COE stating: "I found something that I want you to see." She left her cell number, (786) 487-4169 ...

Olga Pichardo, licensing clerk  
City of Opa-locka Building Department  
July 25, 2018

Ms. Pichardo was re-interviewed at her home on July 25, 2018, with respect to her April 4, 2018, sworn statement and subsequent message about having "found something I want you to see."

Initially, Ms. Pichardo said she couldn't recall what it was she wanted to show investigators, but later recalled that it could have been the document in her work computer relating to the Klub 24 memo. Investigators asked her to see if she could locate the document and provide a copy. She said she would look.

Ms. Pichardo maintained that she was truthful during her April 4, 2018, statement and denied the claim by her boss, Mr. Abia, that investigators "tricked" her into implicating him with respect to the letter dated Jan. 4, 2017, elaborating on the definition of "other clubs." She said she could not explain why Abia would subsequently allege in his sworn statement that she told him investigators "tricked" her and that she wanted to recant her testimony. She said that any such claim by Mr. Abia to investigators that she was somehow tricked was false.

Ms. Pichardo told COE investigators Ross and McGee she faithfully recounted the events leading to the production of the letter in question and stated she would not have done so on her own initiative – as Mr. Abia alleged. She stated the only reason she would have produced the memo was if her boss instructed her to do so. She said she could not understand how Abia could claim that he never authorized her to produce the memo. She also contradicted a claim by co-worker Florence West that West never assisted her in the production of said memo. She said West helped her with the formatting and proofing of the memo.

Ms. Pichardo further recalled that Abia became angry when she discussed her sworn statement with him the day it occurred, but said that Abia never directed her to call COE and recant her testimony. She said she called COE following the statement to provide new information.

Gerald Lee, zoning official  
City of Opa-locka, FL  
Phone: (305) 953-2868, x. 102  
April 4, 2018

Mr. Lee was interviewed by Division of ABT special agents Moore and Gerald and COE investigator Ross. City Attorney Brown was present for parts of the interview.

Special Agent Moore showed Mr. Lee a copy of an application for Klub 24's liquor license that appeared to have signature indicating zoning approvals were in order. However, Mr. Lee advised that he only gave an approval in a limited capacity as a night club/ restaurant. He said that the club's representative, Eddie Dean, attempted to gain approvals for adult entertainment, but Lee noted that in every instance the City issued a letter instructing Dean to follow the Special Exception process, something Mr. Dean and the applicant failed to do.

"He was always trying to find a way around" the Special Exception process, "but every time he came around we issued a new letter" stating he needed to follow the process.

He said that Dean would often resort to "semantics" to try to gain approval for adult entertainment, arguing that adult entertainment was included within the definition of a cabaret, for instance. "He wanted to find another way around, but we explained the only way to have adult entertainment was to get approvals from the Planning Board and City Commission."

Mr. Lee further explained that the City's new zoning code, adopted in 2015, required that any adult entertainment be subject to the same Special Exception process as before.

Mr. Lee said he does not know whether the designation "other clubs" came from and that, to his knowledge, this does not include adult entertainment. He said that this was something that the Building Department apparently decided on its own, without formal authority.

Lee said that Dean initially tried to pass himself off as the owner, but that it later emerged that he was not the owner, only an "authorized representative." He said that he subsequently met with one of the actual owners, but could not recall the individual's name – only that it was a white male. "Dean had been promoting himself as the owner all the time," he said.

Mr. Lee recalled that on one occasion after telling Mr. Dean he could not approve his intended usage of adult entertainment without a Planning and Commission approvals, that Mr. Dean returned with Comm. John Riley and that Riley was about to get involved. "I explained to Mr. Riley that as an elected official I had nothing to say to him," he said. He said that once he told Riley this, that Riley "turned and left" and that he told Dean to follow the process.

Esin "Daniel" Abia, Building Official,  
Conversation with Mr. Abia on Fourth Floor of City Hall on April 19, 2018

This investigator arrived at the 4<sup>th</sup> floor of Opa-locka City Hall on the above date and encountered Mr. Abia at the reception desk in front of the elevator. Also present were state ABT agents Archie



Moore and Shelia Gerald, though they were not introduced to Abia right away. After exchanging greetings, Abia asked this writer if he had received a phone message from Abia following a recent meeting both attended at the City Manager's office.

I asked whether he had left the message on my office or cell phone, and Abia advised he wasn't certain. He said the message related to a witness statement that was given by one of his licensing clerks, Olga Pichardo, back on April 4. He said that after discussing the statement with Pichardo and learning about the topic of inquiry, he wanted to notify investigators that – contrary to what Pichardo indicated during her statement – that he (Abia) had no involvement whatsoever in directing her to write a letter on Jan. 5, 2017, relating to B&G Opa Holdings LLC or Inc., the company doing business as Klub 24 at 3699 NW 135<sup>th</sup> Street.

Mr. Abia claimed to have had no knowledge as to how the Jan. 5 letter was issued and whether the letter was issued in error. He advised that, in his view, the related licenses – Occupational License and Certificate of Use – were improperly issued to B&G Opa Holdings, though he said City zoning officials were at fault for approving the business for uses other than adult entertainment. He said the zoning application should have been rejected outright.

Mr. Abia was then advised that he was in the presence of investigators from the state Division of Alcoholic Beverages and Tobacco (ABT), and he was asked whether any City officials or other individuals had attempted to unduly influence the issuances of the licenses. Abia replied nobody had intervened on behalf of B&G Opa Holdings/ Klub 24 other than the company's representative, Eddie Dean, who had visited him on occasion to discuss the applications. He specifically denied that Dante Starks or Comm. John Riley had interceded.

Mr. Abia said he had documents he wanted to show investigators supporting his contention he had not acted improperly and requested a meeting. He was advised it would be best to meet with at a location other than City Hall and that he would be contacted at a later time.

Florence West, utility billings clerk  
Opa-locka Department of Public Works  
April 19, 2018

Pursuant to a subpoena, Ms. West provided a tape-recorded sworn statement in which she stated she has worked for the City intermittently since 1981, and continuously since 1999. She said she is presently located in the Utility Billing Office on the 4<sup>th</sup> floor of City Hall.

She said she knows the employees in the building licensing office down the hall – including the Building official, Esin "Dan" Abia, the City Engineer Ashad Vicar, and licensing clerks Mary Brown and Olga Pichardo. She described her relationship with Ms. Pichardo as very close, saying that Pichardo "is like a mother to me." When asked if she assisted Pichardo in drafting a letter regarding the Klub 24 occupational license, West was adamant that she had not. "That never happened" – that Pichardo asked for her assistance with the Jan. 5 letter – "never, ever, ever," West said. "I have no idea why Olga Pichardo would say that."

Ms. West said she rarely helps Pichardo write business communications, though she said she



may have helped her respond to an email once from FPL. However, she said she only provided technical assistance on that occasion and helped her to send the email.

Ms. West said she knows who Eddie Dean of Klub 24 is only because she saw Mary Brown say hello to him on one occasion, but stated she does not know him personally. She said she has seen him only once. She further advised she does not know Dante Starks.

Mary Brown, building licensing clerk  
Opa-locka Building Licensing Department  
April 19, 2018

In a tape-recorded sworn statement, Ms. Brown advised that she has worked in the building licensing office since February 2013. Prior to that she worked at Stephenson Construction, led by former Miami Dolphins lineman Dwight Stephenson, for five to six years.

With respect to occupational and business licenses, she advised that as a licensing clerk, she and her co-worker, Olga Pichardo, input the licenses into the system, once approved. She said that the IT Department then prints them out and that the printer is located in the licensing office. She said the licenses are not entered into the system as approved until the City's zoning department first approves them and determines that all the zoning requirements are met. She said IT will then print all licenses that are paid for and approved by staff.

As it relates to Klub 24, Ms. Brown stated that – with respect to the COU ending #8921, and the Occupational license ending #8920 for “Other Clubs” – that she is familiar with those licenses and how they were issued. She said “they were denied several times from zoning” and partially approved “with contingencies” but not for adult entertainment. “They kept applying and finally got approved for restaurant and lounge ... but not for adult entertainment.”

Ms. Brown said she contacted Mr. Dean after the application had been approved for restaurant and lounge usage, but noted adult entertainment did not appear on the application at that time. She said Dean “knew from the beginning they needed Planning Council approval.” She said she referred Dean on multiple occasions to talk to the City's zoning official, Gerald Lee.

With respect to the Jan. 5, 2017, letter signed by Olga Pichardo and describing “Other Clubs” (as stated in the occupational license ending in #8920), Ms. Brown said the letter was not a routine letter. She said her supervisor, Mr. Abia asked her to write such a letter but she refused: “I was asked to write the letter but I didn't write it because I knew the history issues ... I told him, ‘No, I wasn't going to do that.’ I didn't want to get up in that.”

Ms. Brown said the application she originally got from zoning only stated the intended use was as a restaurant and lounge, “but it had been changed and then scratched out over (adult entertainment). It wasn't the original restaurant and lounge ... I read it and it said adult entertainment and tavern. They scratched it and added tavern and adult entertainment.”

Ms. Brown added that her boss, Mr. Abia. wanted her to mirror whatever the revised application said in that letter. “I just knew it was wrong to be honest. He didn't force me. He knew he had



other recourses to get it done. He just took the paper and walked away.”

“Later I told Olga, my co-worker, I didn’t want to get involved ... She just said he (Mr. Abia) asked her to write the letter ... She didn’t say in detail, but I can tell you” – pointing to the Jan. 5, 2017, letter regarding the meaning of “Other Clubs” – “she didn’t write the letter.”

Ms. Brown said that because of her lack of fluency in English, she could tell Pichardo didn’t write the letter in question. “I know her verbiage. She doesn’t speak well like that ... I know she didn’t write this on her own because I know she can’t even reply to an email by herself.”

Brown said Pichardo commonly asks co-workers for assistance, including Florence West ... “If I’m not there, she’ll go to Ms. West. If I’m busy and can’t help her, Olga will go to Ms. West ... If I’m not available, she helps her ... If I’m busy and can’t do it.”

Asked if Mr. Abia had any particular interest in getting the licenses approved, West said: “Yes, they came here all the time. They were here constantly ... They would just kick me out ... Eddie was the one here, all the time ... at least three or four, five times a week ... he came a lot, trying to get it approved basically ... in the final days of getting it approved ...”

She said that for the Temporary Certificate of Occupancy (TCO), B&G needed proof of final inspections and that they had problems. “Honestly this whole situation for us has been a nightmare, dealing with this club. All the pressure and whatnot. You worry about your job. You worry about doing your job. They didn’t have their information (for TCOs), so we were asked to get their permits and find the slips that showed their finals (inspections)” ...

“One day, Eddie came, almost the whole day, it was a Friday (Jan. 11, 2018) ... It was after 5 ... I was still working, and Mr. Abia came to me and said, ‘Give them the TCO’ .. I said, ‘Do they have all the information?’ ... I did the letter saying they had until April 20 to come into compliance, all the contingencies ... I gave it to Abia. Abia signed it and they paid.”

She said it is not uncommon for the City to issue TCOs, but added that “none of those terms were met.” She said sewage capacity was never approved by MDWASD and no “allocation letter” had been issued. “They would have to get permits for final CO, but haven’t done that. They did all the work before they’d even got the permits ... Came back and got permits for mechanical, electrical and plumbing, but not MDWASD sewage capacity ... I haven’t seen anything come back.” She further noted the applicant lacked zoning approvals.

“Eddie was trying his best,” Brown said, adding that Dean told her: “I got proof, I got proof.” She said he told her the County had inspected the pump station, but added that: Whatever he was talking about, I have no idea ... He never gave it (the proof) to me.”

She said a Miami-Dade fire inspector, Chris, said their report said restaurant and lounge ... Did Eddie Dean ever interact with Florence West? “Yeah, they’re friendly ... For the allocation, he definitely had to talk to her ... Owen Carney would sign off on verification for pump station ...” Asked if she knew where the pressure on Abia was coming from, she said: “I’ve seen Comm. Riley come and there always talking in the back. The day that I did fill out the TCO ... I was at my desk waiting for the information and Eddie Dean and all them were there, they were waiting



for the CO because they were supposed to open the club that night. And the assistant city manager, Mr. Green, came and told Abia just give them the TCO "It's like he (Abia) knew there were going to be repercussions, but he told me to type it up.

"I would tell him, Mr. Abia, this (the zoning application) did not go to the Planning Council and he'd say, 'There's people higher than him that he had to answer to,' and that he blamed the Zoning Department, saying: "We wouldn't be in this position right now if zoning had done their job." She said that in her opinion, zoning officials had filled out the forms correctly.

Regarding the encounter with ACM Green, Brown said: "He came to Abia's door ... Mr. Green said, 'Just give them the TCO' ... Abia was mumbling. He was talking to Green, and Green said, 'Just do the TCO. We'll deal with that later.' Said she prepared the TCO after Abia told her to do so. "They (Dean and another man believed to be Sterling Ferguson) were there all day, just all day. They are together all the time, they are like best friends ...

Ms. Brown said she didn't see Comm. Riley the day the TCO was issued, but had seen him in Dean's company on other occasions and that Riley attended meetings with Dean and Abia. She added, "I really trusted Mr. Abia to do this the right way, but he was under duress."

Ms. Brown said Pichardo later told her that Abia was "mad with her" and was "being mean to her" because she told investigators that he (Abia) instructed her to write the letter dated Jan. 5, 2017, concerning the definition of Other Clubs. Browns said Pichardo told her that Abia asked her to write a letter recanting her statement and saying Abia had not ordered her to write the letter in question. "I told her not to, she'd be dead meat ... If he didn't tell you to do it, why would he tell you to write a letter to rescind her statement ... I told her you better not write that letter, and she's like, 'Oh no, Mary .. He can fire me if he wants to' ... He called us 'idiots' ... 'It's terrible.'"

Esin "Daniel" Abia, Building Official/ Director  
Opa-locka Building Department  
May 31, 2018

Mr. Abia provided a voluntary tape-recorded, sworn statement at his office at Opa-locka City Hall, 780 Fisherman Street, on the above date commencing at 11:41 AM. He said he started in 2006 as the City's director of Public Works later, the Building Department. He noted that his service was interrupted for nine months in 2011 when he was "terminated."

With respect to the licensing of Klub 24, Mr. Abia stated that, in his view, the Building Department did not issue occupational licenses or certificates of use such as those furnished to B&G Holdings/ Klub 24 on or about January 4, 2017. He said the department only acts as an "intake" point for the applications and that his office does not approve the licenses. "We don't review or approve anything," he said. He said the applications are submitted to the city's Zoning Department for review and that his office only carries out inspections.

Mr. Abia said that he was aware that the city's Zoning Official, Gerald Lee, had taken the position that B&G Holdings needed to follow the Special Exception process, but said he later was told that this requirement "was waived." Asked why he believed this to be the case, Mr. Abia stated that he was told this from Eddie Dean, the club's representative. He said he called a "due process



hearing” in front of the former city manager, Yvette Harrell, and he recalled at that meeting that “They had a license in their hand” and that Dean argued that this included approvals for cabaret/ adult entertainment – contrary to Mr. Lee’s position.

Mr. Abia denied having ordered his subordinate – licensing clerk Olga Pichardo – to write the Jan. 5, 2017, letter stating that the Certificate of Use included “approved adult entertainment.” He also denied having first requested that Mary Brown, also a licensing clerk, to write the same letter. He described both women as good employees, but said he could not understand why they would provide sworn testimony to this effect, except to allege he was being “framed” by the Commission on Ethics. He said Pichardo allegedly told him the day following her witness statement that she had been “tricked” into implicating him. “She came to me and said, ‘They tricked me. They tricked me into saying you told me to write the letter.’”

Mr. Abia claimed he never saw the letter in question until it was produced (by Dean) at the meeting in Manager Harrell’s office on or about Jan. 5, 2017. He said he was surprised by the letter, and felt it was inappropriate for a member of his staff to make determinations with respect to the meaning of “other clubs” without his consent. “I thought, point-blank, that if she wanted to write a memo like this that it should have come through me,” Abia said. He added that he never discussed the letter with her before or soon after the meeting and that, despite his concerns and objections, that he never initiated disciplinary action against Pichardo.

Mr. Abia contended that because then-City Manager Harrell, was aware of the letter that he felt that she must have been in agreement with the letter’s assertion that Other Clubs included “approved adult entertainment.” He said that Zoning was further at fault for approving some uses on the zoning application (i.e., restaurant and lounge) but not adult entertainment. He said that Zoning should have required a completely new application from B&G/ Klub 24.

Mr. Abia said that Dean visited his office “constantly” over the course of the period that B&G/ Klub 24 was seeking permits and approvals from his office. He said Dean was there on or about the afternoon of Jan. 17, 2018, the day he issued a Temporary Certificate of Use, but said he had no recollection that former Assistant City Manager William Green ordered him to issue the TCO despite his objections. “The gentleman was here all week long,” he said.

Eddie Lee Dean Jr., subject of investigation  
Owner/ representative of B&G Opa Holdings  
August 22, 2018

In a tape-recorded sworn statement at the office of his attorney, Mr. Dean stated his full name, provided his DOB as April 11, 1972, and gave his address as 3131 Venice Way, Miramar, Florida. The statement took place in the North Miami office of attorney Raven Liberty. Also present were Investigator Karl Ross and COE Advocate Michael Murawski.

Mr. Dean said he was a real estate developer by trade and that, for a period of time dating back to approximately 2015, he was a minority partner in B&G Opa Holdings LLC for the purpose of opening a strip club in the former Crabby’s property at 3599 Opa-locka Boulevard. He said that earlier this year after the project had become mired in controversy, his partners agreed to buy out



his 5 percent interest in the company, doing business as Klub 24. He identified his partners as Gregg Berger, Philip Gori and Sterling Ferguson. He said Ferguson frequently accompanied him during his dealings in Opa-locka, including meetings with City staff.

Mr. Dean said that he initially met with former interim City Manager David Chiverton and later with other City officials, including but not limited to Gregory Gay, director of Community Development and Planning, and Gerald Lee, director of zoning. He said he also met or interacted with Building Official Esin "Dan" Abia and members of his staff. He said he also had several encounters with commissioners Mathew Pigatt and John Riley, as well as with City administrators such as former City Manager Ed Brown and ACM William Green.

Mr. Dean said he never registered to lobby and stated that he was mainly interacting with staff, not elected officials, and therefore did not feel it was necessary for him to register. He said that he spoke about issues concerning his business interests and those of his partners during the Citizens' Forum section of the meetings and that he felt he was entitled to do so. He was asked about comments he made during the Feb. 15, 2018, City Commission meeting in opposition to an item sponsored by Comm. Pigatt calling for the City Manager to provide a report about how business licenses were issued to Klub 24/ B&G Opa Holdings and whether they were properly authorized. He said that he was merely voicing his frustration with the process.

Mr. Dean stated his belief that City officials had authorized the licenses for the purpose of adult entertainment and not just as a restaurant and bar or lounge. He argued City Attorney Brown and others had approved this by virtue of the use of the word "playhouse" in the zoning application. He contended that City officials had since reneged on their word. He also debated whether the zoning application was subject to a Special Exception process as indicated in several letters from City staff to Mr. Dean on behalf of the applicants in this case. He allowed that he had debated this issue with the zoning official, Mr. Lee, and that they disagreed.

Mr. Dean said that he also became frustrated on at least one occasion with the City's building official, Mr. Abia, and that he sought the intervention of City Manager Ed Brown. He said that Brown advised him to re-submit the plans as requested by Abia. He said he did not have any knowledge of any intervention by ACM William Green on behalf of his request for a TCO. He initially said Comm. Riley had not assisted him or gotten involved with the process, but later recalled that Riley did tell him he should go to the IT office and get a license printed out. He said Riley invited him to come along with him to IT but did not expedite the process.

With respect to the letter dated Jan. 5, 2017, and signed by licensing clerk Olga Pichardo, Mr. Dean stated that he obtained the letter after requesting such from Ms. Pichardo directly. He said he did not ask the building official, Mr. Abia, or anybody else for such a letter. When told that this account was inconsistent with that provided by Ms. Pichardo, Mr. Dean maintained that he had not requested the letter from any other party aside from Ms. Pichardo. He said that as far as he was aware Ms. Pichardo prepared the letter on her own accord.

Upon questioning from Ms. Raven, Mr. Dean also said that he did not change the date on the version of the letter with the year changed from 2016 to 2017. He said that the only copy of this letter he had seen was the "clean" copy that did not show any such strike-through.



Asked whether he had been told the City could not issue the TCO because of the failure to obtain approvals from Miami-Dade Water and Sewer, Mr. Dean maintained that he had obtained all necessary approvals. However, correspondences with MDWASD shown to investigators suggested that as of April 2018, B&G was still attempting to gain the necessary clearances and had not been issued an allocation letter prior to the issuance of the TCO.

Mr. Dean was also asked about any encounter with City administrators along with Rev. John Taylor in the vicinity of Miami Lakes in the latter part of 2017. He said he could not recall any such meeting, though he had coincided with City Manager Brown at the barbecue restaurant next to Klub 24. He was then shown a video of an encounter with Manager Brown, ACM Green, Rev. Taylor along with himself and Mr. Ferguson in the parking lot of a Miami Lakes restaurant. He said that could not recall whether they met there for any specific purpose, but allowed that he had had previous real estate dealing with Rev. Taylor, adding that he was involved in the purchase of some land from New Beginnings on or about 2012. He said that Rev. Taylor later approached him on several occasions about helping to obtain financing to purchase a new church. "He was always saying 'my church, my church, my church.'"

Mr. Dean said while he could not recall with any specificity the purpose of the gathering shown in the video, he maintained that it was not related to Klub 24. He said that as of late 2017, the club had already obtained the necessary business licenses and didn't need support from any elected officials or administrators to commence operations.

With respect to an alleged encounter with Comm. Pigatt following the mayor's State of the City address in late January 2018, he allowed that Comm. Pigatt became upset with him when he told the commissioner he had heard rumors Pigatt didn't live in Opa-locka. He claimed he was not trying to influence the commissioner or solicit his support for Klub 24. He said that he was merely trying to establish a rapport with Pigatt, and stated that on another occasion he tried to turn down Comm. Pigatt's collar to his suit coat and that Pigatt did not like this. He denied telling Pigatt he had invested \$2 million in the club and needed his support.

Attorney Liberty advised at the conclusion of the statement that B&G/Klub 24 was involved in at least two lawsuits with the City – one in state court and another in U.S. Federal Court. She referenced issues with obtaining public records, as well as differences over surveys depicting the club's proximity to parks and schools, as well as issues about development fees.

Yvette Harrell, former City Manager  
City of Opa-locka, FL  
Aug. 29, 2018

Ms. Harrell stated in a phone interview that she had nothing to do with the issuance of any licenses to Klub 24. She said that her signatures as they appear on the Occupational License and COU were computer-generated and that she did not sign, review, or approve them.

Ms. Harrell was adamant that B&G Opa Holdings/ Klub 24 never should have been approved for adult entertainment, saying that such a use was effectively prohibited in Opa-Locka. She further denied holding a meeting in her office on or about January 5, 2017, during which she was

allegedly shown a copy of a letter prepared by Ms. Pichardo stating that the “Other Clubs” designation included adult entertainment. She said that contrary to Mr. Abia’s account that no such meeting took place and that she never met with Eddie Dean.

Ms. Harrell stated that she would never have met with Mr. Dean absent the presence of her assistant or another trusted employee because “I didn’t trust him (Dean).” She said that she had two encounters with Dean. She said the first was just prior to a City Commission meeting and that on that occasion Dean approached her as she was walking to the dais and told her he had been having trouble getting his permits. She said she referred him to Mr. Abia. She said the second encounter took place after the January 2018 State of the City Address by Mayor Taylor, and she noted that by that time she was no longer City Manager.

Ms. Harrell said she finds it very unlikely that Olga Pichardo would have prepared the January 5 letter absent instruction from Mr. Abia, and stated that in addition to having limited command of English, that Ms. Pichardo lacked the computer skills to prepare the letter by herself. She further advised that Pichardo’s co-worker, Mary Brown, had told her that Mr. Abia attempted to get her to write a similar letter and that she found Brown to be credible. She said any letter purporting to interpret the occupational designation of the business as “Other Clubs” should have been prepared either by herself or by the Building Official.

With respect to Mr. Abia, Harrell stated that she had found his job performance to be deficient and that she had considered firing him “but I didn’t know who to replace him with.” She said that she believed that, as it relates to Klub 24’s approvals, “Abia’s lying ... He’s lying.”

#### ***Document/Audio/Video Review:***

Video of Feb. 15, 2018, Opa-locka City Commission meeting:

- During the Citizens’ Forum section, Alvin Burke raised questions about Klub24 and failure of City officials to take action after City Attorney’s report called into question the legality of the establishment. “He all but said the club is illegal and it shouldn’t be there. Now this is the City Attorney that we’re paying for. We’re paying for his legal advice ... This club never went before the Planning Council. This club never came before the commission. ... It’s terrible that something can come into the city and nobody knows



how it got here. ... When it first got here it was going to be a club and a restaurant. Nobody said anything about a strip club ... Now we got a strip club in the City of Churches and nobody answers for it. ... It didn't go through the normal channels. If it didn't go through the normal channels it shouldn't be here."

- During Citizens' Forum, Brian Dennis called into question the legitimacy of Klub24 and stated, "Let's talk about the charter ... It's supposed to go through the Planning Council ... Let's look at the fan club and see who's tied to who and what's going on. Everybody knows what's going on ... All this illegal stuff going on ..."
- Female resident, name not audible ... "We don't only have one strip club in Opa-locka. We have two strip clubs in Opa-locka. Frosty's is a strip club. I guess when they opened the door for [Klub]24, they opened the door for Frosty's on Service Road ..."
- Eddie Dean ... "My name's Eddie Dean, 3699 NW 135<sup>th</sup> Street. I'm here to speak to you about B&G Corporation, which owns Klub24 ... I'm seeing this on the agenda, How did we get started? And this manager needs to get an explanation for this. We've been trying to open this club in the city for the past three years before this manager even got here. The license was issued by the previous City Manager, Yvette Harrell ... And I'm hearing that we need to go to the Planning Council now. Something that was approved by Community Development, Mr. Lee and Mr. Gay to be open ... Now all of a sudden they're saying we need to go before the Planning Council ... Well the city ordinance doesn't say that at all. ... There's an exemption in the ordinance for cabarets ... I don't understand the games that's going on in the city ... So I don't understand what games are going on here ... We're hurt that this's been going on here for a while. Citizens believing that we have not done what we have to do ... But for two and half years we've fought for a license.... And now, \$1.5 million dollars later (and) almost a million dollars on renovations. I got a restaurant open ... Now all of a sudden, they're telling me about a Planning council? I don't understand it ... I'm just kind of upset about this ... I have witnesses when we spoke to the attorney and Mr. Gay on the day the license was approved by Ms. Harrell who is an attorney and understand law ... So I don't understand why we're going back and forth. Ten years this business been closed ... and now, all of a sudden after 10 years, we're here trying to do something good for the city, now there's a major, major problem. And I just want to find out what's going on ... It's fact. It's paperwork. It's documented [sic] that it was done ...
- City Manager Eddie Brown, in response to questions from elected officials, advised that he had no knowledge as to how Klub 24 obtained its licenses. ... "Basically, Klub24 had a license two years ago. And that was signed off by two previous city managers. I don't know how Klub 24 became my situation. I have nothing to do with that." He cited Chapter 13-169 of the Opa-locka City Charter regarding revocation of licenses, and said it was up to the City Commission, not the manager, to revoke a license and that the grounds for doing so would be "fraud, misrepresentation or false statement," which he stressed were "criminal offenses." He said that as city manager, he lacked the power to revoke or approve a license. He referred to critics as "false prophets who don't live in



the city,” and emphasized that, as far as he was aware, Klub 24 had a valid license and certificate of use and stated that commissioners should ask his predecessors how the approvals were issued, not him. “When you have a license in this city to operate and a certificate of use, the only administrative relief is the one I just gave you ... It’s not my issue, it’s not my problem, it’s not my business, and that’s as much as I’m going to say about Klub 24.”

- ... at a later point in the meeting, City Manager Brown addressed the issue of Klub 24’s Temporary Certificate of Use (TCO), issued by the Building Official Esin “Daniel” Abia on Jan. 17, 2018.... “When a TCO is issued, it is based on permits that were pulled. The only thing that will kill or disarm a TCO (is) if those permits don’t pass inspection.” Brown argued that because Klub 24 had obtained licenses that it was a ministerial matter for the building official to issue a TCO. He again placed the burden of revocation on the City Commission, adding: “I’m not here to run an investigation about what happened two years ago because I was not here. And as the CEO for this particular city here, I’m going to protect the city ... Once a company or business gets a license, this is the law to revoke the license ... If that is what the commission wills, then the commission needs to get on about the business of revoking that license.”

The following documents were reviewed in connection with this inquiry:

- A copy of a memo dated Feb. 12, 2018, from City Attorney Vincent T. Brown to the mayor and city commission and city managers. The memo states that: “After reviewing all relevant documentation ... I have determined that Klub 24 cannot operate an adult entertainment business at its current location without seeking a special exception from the Planning Council and City Commission.” The memo further states that Klub 24 should not have been granted a TCO by the city’s building official because the City Code “does not specifically authorize a temporary certificate of occupancy.” The memo also asserts the licenses obtained by Klub 24 were “improperly issued.”
- The City Attorney’s memo contains exhibits, including the following:
  1. Exhibit A, a Zoning Verification Form dated Jan. 4, 2017, submitted by B&G Opa Holdings, DBA Club 24. The form, signed by Eddie Dean, states the intended use of the property as “play house, bar, tavern.” The box designated for official use only identifies the “action needed” as: “Applicant must obtain PC & CC Approval for Adult Entertainment,” in reference to Planning Council and City Commission.
  2. Exhibit B, Application for Certificate of use, is dated Jan. 4, 2017, is blank except for the name of the business and address. The staff portion of the form again states that approvals are required by the Planning Council and City Commission.
  3. Exhibit C, a Dec. 16, 2015, letter from former Interim City Manager David Chiverton to Eddie Dean, references a request for “a nightclub that could be inclusive of adult entertainment,” but advises that planning and commission approvals are required.
  4. Exhibit C, also contains a letter from former City Manager Yvette Harrell on Jan. 6, 2016, memorializing that on Jan. 4, 2016, Eddie Dean met with Planning and



Community Development staff regarding a proposed restaurant/ lounge and adult business at the property in question. The letter goes to state: "The Leasee's proposal to operate a playhouse/ cabaret in the restaurant at this location has been determined to be interpreted as an adult business. A special exception process is required for properties zoned I-2 to determine if the adult business proposal would be allowed ..."

5. Exhibit C, similarly contains a letter dated Nov. 7, 2016, from Gregory Gay, director of Planning and Community Development, advising Eddie Dean that, among other things, "... a Special Exception will be required to determine if the adult business proposed would be allowed under certain conditions," along with parking requirements.
6. Exhibit C, includes a follow-up letter on Jan. 5, 2017, from PCD Director Gay to Eddie Dean re-stating concerns about parking and proposed hours of operation and advising that "all adult businesses must go through a Special Exception process."
7. Exhibit C, finally includes a July 3, 2017, email from PCD Director Gay to Eddie Dean at [eddiedean3571@gmail.com](mailto:eddiedean3571@gmail.com) stating that: "Per our recent conversation, attached is a letter recapping the City's position regarding your pending restaurant/ adult business in Opa-locka, FL. If you have any questions or questions on the City position, please contact the City Attorney for further response."
8. Exhibit D consists of an email string initiated by City Attorney Brown memorializing a conversation he had with Miami-Dade County fire inspector Christopher Stennett and requesting information about the inspection and whether it was for a restaurant as opposed to a club. Mr. Stennett responded on Feb. 8, 2018, that the inspection was for a restaurant and not a club or any occupancy by more than 50 people at a time.
9. Exhibit E, is a second Zoning Verification Form, this one dated June 28, 2018, and signed by Eddie Dean. The type of business requested is illegible. The request was approved by the city for a restaurant or lounge, but noted that adult entertainment would require approval by the city commission for the I-2 zoning district.

On or about March 8, 2018, COE requested through the Opa-locka City Clerk's Office a copy of any lobbyist registration on file for Klub 24/ B&G Opa Holdings LLC, B&G Opa Land Holdings LLC, including but not limited to any registrations on file for Eddie Dean.

On March 15, 2018, City Clerk Joanna Flores advised that prior to March 13, 2018, she did not have any lobbyist registrations on file that were responsive to the records request.

She provided a copy of a registration dated March 13 by Robert H. Fernandez, an attorney for Gunster, Yoakley & Stewart P.A., on behalf of B&G Opa Holdings Inc. and B&G Opa Land Holdings LLC, and further identifying the main principal as Gregg Berger.

The issue to be lobbied was identified as: "Representation of owners of Klub 24 in reference to any Resolution sought by City seeking the closure of the business."

In response to a follow-up email from COE, Clerk Flores advised that: "There is no lobbyist registration filing for Eddie Dean."

**Conclusion:**

After discussion with the ethics Advocate it was determined that that matter would be closed with no further action. Investigation determined that Klub 24 was issued a license and certificate of occupancy. Whether this license was issued in error, through incompetence, or through criminal conduct, is not an issue for the Ethics Commission to determine. There were agents employed by a state agency that has a law enforcement component that partnered in a portion of this inquiry.

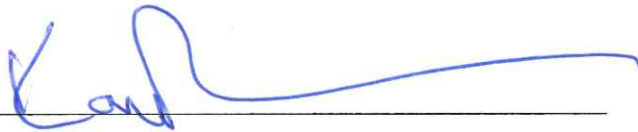
The license was issued under the watch of former City Manager Yvette Harrell. The subsequent Manager (who was subsequently let go by the City) denied any knowledge as to how the license was issued. The building department blamed the zoning department and the zoning department blamed the building department. The City has shut the club down and is engaged in litigation with Klub 24 which seems to be the appropriate forum to deal with this matter.

Regarding the issue of whether or not Eddie Dean should have registered as a "lobbyist" the evidence does not support the filing of an ethics complaint. Mr. Dean did apparently act as a permit "runner" for Klub 24 and his interactions with staff consisted, in large part, of inquiring about what procedures needed to be followed for Klub 24 to obtain the appropriate licensure.

There is conflicting evidence of whether Mr. Dean was aware or made aware at any time that the issue of the license being issued would be something that "foreseeably will be heard or reviewed by the [City] Commission or a [City] board." Mr. Dean seemed to be of the belief that the attainment of the license(s) was an administrative matter.

There is no indication that anyone at the City ever advised Mr. Dean that he was required to or ought to have registered as a lobbyist.

Accordingly, this matter should be closed. If any additional information comes to light relative to this issue, the matter can be re-opened.

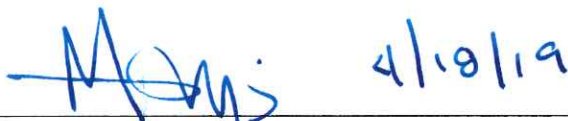


Karl Ross, COE Investigator

Approved by:



Michael Murawski, Advocate



Jose J. Arrojo, Executive Director