



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Robert Steinback

Case: K18-47	Case Name: North Miami CRA/Moise	Date Open: September 19, 2018	Date Closed:
Complainant(s): Miami-Dade County Office of the Inspector General	Subject(s): Dr. Rudolph Moise	CASE CLOSED Date: 12/4/18	

Allegation(s):

The Miami-Dade County Office of the Inspector General (OIG) received information that Dr. Rudolph Moise (Moise) improperly initiated an application for a community redevelopment grant to the North Miami Community Redevelopment Agency (NMCRA) while still a member of the NMCRA's Advisory Board in violation of rules set forth under the Miami-Dade Conflict of Interest and Code of Ethics ordinance. OIG referred the matter to this agency.

Relevant Ordinances:

Sec. 2-11.1 (m)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (excerpted):

Certain appearances and payment prohibited. (1) No person [covered by this section] shall appear before any County Board or agency and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third person, who has applied for or is seeking

some benefit from the County or a County agency, in connection with the benefit sought by the third person. [...]

(2) No person [covered by this section] shall appear before the County board or agency on which he or she serves, either directly or through an associate, and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third party, who has applied for or is seeking some benefit from the County board or agency on which such person serves, in connection with the benefit by the third party. [...]

Relevant aspects of this issue are also addressed by Miami-Dade Ethics Commission INQ 18-100 Gray, which states in part, *since [the non-profit applicant organization] is seeking a benefit from the County, [neither of the principals of that non-profit organization] may appear at meetings with PHCD personnel or negotiate terms on behalf of [the non-profit organization] GSR regarding the grant. In addition, neither [of the principals of the non-profit organization] may sign any application documents or funding agreements."*

Investigation

Interviews

Larry Spring, Executive Director of the North Miami Community Redevelopment Agency (and North Miami City Manager), October 4, 2018, by telephone.

Spring stated that he believed that Moise conferred with the NMCRA attorney and determined from that conversation that his responsibility was to resign from the NMCRA Advisory Board for his grant application to be considered, which Moise did.

Spring pointed out that Moise was a member of the NMCRA Advisory Board, not the CRA Board, which is made up of the North Miami City Council members.

Spring said that as of the date of our conversation, the NMCRA had approved a Rehabilitation grant of \$605,770 to Comprehensive Health Center LLC but had not yet funded that grant.

In a subsequent communication, Spring confirmed that the Moise's application was received by the NMCRA administration on Feb. 12, 2018.

Dr. Rudolph Moise, president and CEO, Comprehensive Health Center LLC and GRM Property Management LLC, at his clinic office, November 13, 2018.

Moise did not dispute the following time line:

- February 12, 2018 – CRA received his companies' application for a grant of \$1,211,540.
- February 25, 2018 – Moise resignation letter received, effective immediately
- June 12, 2018 – CRA approved a grant of \$605,770.

Moise stated that his intention upon joining the CRA Advisory Board was that it would only be for a short term. While on the board, Moise said he began to learn about the grant application process. Meanwhile, he had acquired the building located behind his current business location.

His current practice is located at 671 Northwest 119th Street and has operated there for more than 20 years. The new structure is located at 650 Northwest 120th Street, and is nearly ready to open, except that Moise must finance a new water service reaching a block from Northwest Seventh Avenue. Moise anticipates moving the current medical practice to the new building by next spring, and eventually renovating or replacing the current building to house dental, vision, surgical and other ancillary services.

Moise said he began to inquire among the CRA staff about what would be involved in applying but added that he did not speak to the CRA administration or Board. He states that he first filled out the application "in February or March" (this was prior to being shown the actual date on his application, February 12), but said the staff "kept asking for more information." Moise asked the CRA attorney Steven Zelkowitz for an opinion on whether he could qualify for a grant. Moise stated that Zelkowitz told him he needed to resign from the CRA Advisory Board, which he immediately did. The application, however, had already been made.

The original application was for \$1,211,540, but the final grant was for \$605,770 (half of the request). The CRA had to approve a waiver of its usual grant limit of \$100,000. Moise said that there have been previous grantees, including Café Crème and Pollo Tropical, who have also received funds in excess of the limit, though typically by returning for subsequent grants. The grant to Moise's Comprehensive Health Center would be the largest single grant by the North Miami CRA in its history.

Moise's agreement with the CRA requires him to wait five years before applying for more funds. In addition, he must hire 15 to 20 residents of North Miami, and he must retain at least 51 percent ownership of the business for five years; otherwise he must repay the grant.

The grant funds had not been disbursed as of the date of this report. Moise said he signed the final disbursement agreement two weeks ago, and anticipated receiving the funds as soon as the Mayor and City Manager approve release.

Steven Zelkowitz, Esq.

Zelkowitz is the attorney for the CRA. Zelkowitz recalled advising that Moise would have to resign from the Board if he applied for the grant. Zelkowitz wasn't certain if he communicated directly with Moise or whether he communicated the advice to staff who in turn told Moise.

Document/Audio/Video Review:

Received from Larry Spring, NMCRA Executive Director via Public Records Request:

- North Miami CRA Board summary minutes, March 5, 2018. Agenda Item #2 identifies the grant request from Comprehensive Health Center LLC for \$1,211,540. The item also states that CRA Attorney Steven Zelkowitz advises that the Applicant must resign from the Advisory Committee.
- North Miami CRA Board summary minutes, March 12, 2018.
- North Miami CRA Board summary minutes, June 12, 2018. Agenda Item #6 states that Comprehensive Health Center LLC was approved for a grant of \$605,770 on a NMCRA vote of 3-2.
- Grant Rehabilitation and Infrastructure Incentive Application from Comprehensive Health Center LLC/GRM Property Management LLC.
- Copy of Rudolph Moise's letter of resignation from the North Miami CRA Advisory Board.

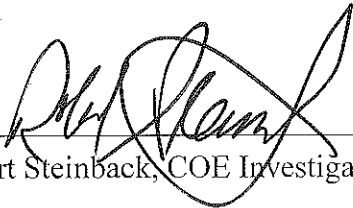
Conclusion

The facts of this case do not warrant the filing of an ethics complaint against Moise.

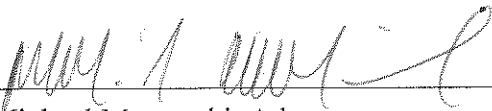
A series of ethics opinions have interpreted Section 2-11.1(m)(2) of the Conflict of Interest and Code of Ethics entitled "Certain appearances and payment prohibited" to prohibit a covered individual from signing any documents or grant applications which would be presented to the board or agency the individual is a member of¹.

¹ See generally RQO-08-30, INQ 12-13, INQ09-33, INQ04-89.

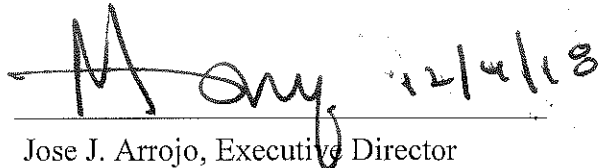
In this case, although Moise did sign the grant application, he subsequently resigned from the CRA Advisory Board based on the advice of the CRA Attorney. Moise reasonably relied on the Attorney's advice and it is not readily apparent from the Code itself that signing off on the grant application would constitute a conflict. It appears that Attorney Zelkowitz gave Moise correct advice based on Section 2-11.1(v) of the Code entitled "Voting Conflicts; Members of Advisory and Quasi-Judicial Boards." Moise resigned from the CRA Advisory Board and he played no role in the approval of the grant.



Robert Steinback, COE Investigator



Michael Murawski, Advocate



Jose J. Arrojo, Executive Director