



Miami-Dade Commission on Ethics & Public Trust

Report of Investigation

Investigator: Susannah Nesmith

Case: PI 18-11	Case Name: Historic Preservation	<u>Date Open:</u> 3/1/18	<u>Date Closed:</u>
Complainant(s): Stephen Helfman	Subject(s): Miami Beach's Historic Preservation Board	CASE CLOSED	

Allegation(s):

Date: 4/6/18

Helfman alleged that Miami Beach failed to turn over public records in a timely manner. He also claimed the Miami Design Preservation League director lobbied city officials without registering in a timely manner.

Relevant Law:

Miami Beach Code of Ordinances Sec. 2-482 - Registration; disclosures
(a) All lobbyists shall, before engaging in any lobbying activities, register with the city clerk.

Investigation:

Interviews Conducted:

On March 1, 2018, this investigator, along with Advocate Michael Murawski and Staff Attorney Martha Perez, met with Stephen Helfman (Helfman). He alleged that Miami Beach officials had failed to turn over public records he had requested in a timely fashion, and that the records that were turned over were incomplete. He also claimed that the executive director of the Miami Design and Preservation League (the League) was improperly lobbying.

On March 26, this investigator interviewed Daniel Ciraldo (Ciraldo) regarding his lobbying activities.

Ciraldo is the executive director of the League and he often registers to lobby against changes to or demolition of buildings in Miami Beach deemed historically significant.

He said that the league's advocacy committee reviews plans that will go before the city's Historic Preservation Board (HPB) and decides which cases to take a position on. The committee usually does this the week before the HPB meeting.

At that point, Ciraldo fills out the lobbyist registration, gets it notarized and files it with the city. The notarization process proved a significant time consumer for the small, non-profit league, because Ciraldo would often have to drive to the office of a league board member who had a notary on staff, to save the cost of a retail notary. In hopes of speeding up the process, the league recently got two staffers to take the notary course.

"I try to register two or three days before a meeting," Ciraldo said.

He is also registered to lobby on general preservation issues.

On March 20, 2018, Miami Beach Assistant City Attorney Eve Boutsis left this investigator a voicemail stating that Mr. Helfman had withdrawn his public records request.

On March 30, 2018, this investigator, along with Advocate Michael Murawski, met with Jack Finglass (Finglass) and attorney Stuart Reed (Reed) to discuss Finglass' public records retention practices. Finglass stated that since January, he has chosen to forward all e-mails that he receives at his personal address to Ms. Boutsis for public record retention.

Also discussed were the lobbyist rules and Finglass' efforts to avoid any appearance of a conflict of interest, or the appearance of impropriety. He is a board member of the League, but he said he is not a member of and no longer attends the Advocacy Committee meetings out of a concern about the appearance of a conflict.

Document(s) Reviewed:

Mr. Helfman's Jan. 23, 2018 public records request, asking for:

"All records of communications by and between Jack Finglass and Daniel Ciraldo from and after June 1, 2017.

"All records of communication by and between Jack Finglass and Clare McCord from and after June 1, 2017.

"The calendar of jack Finglass from and after June 1, 2017. In particular, provide any entries of meetings or telephone conferences with or to Daniel Ciraldo and/or Clare McCord."

A Jan. 29, 2018 email from Eve Boutsis informing Mr. Helfman that his request was too broad because he asked for "all communication."

Mr. Helfman's Jan. 29, 2018 email insisting that he wanted "all communications" and suggesting that the city could redact emails that were not public record.

Mr. Helfman's follow-up letter of Jan. 30, 2018, in which he clarifies that he is seeking records Mr.

Finglass made or received in his official position as a member of the Historic Preservation Board. In this letter he notes that he's particularly interested in communication related to two properties on 2nd Street.

Ms. Boutsis' Jan. 30, 2018 email to Mr. Helfman, trying to clarify vague language in the public records request regarding the time frame.

Mr. Helfman's Jan. 30, 2018 email acknowledging his wording was confusing and asking that it be disregarded.

Ms. Boutsis' Feb 13, 2018 email saying she had met with Mr. Finglass and that he would be gathering the documents.

Mr. Helfman's Feb. 13, 2018 email asking for a date certain and complaining that Mr., Finglass took three weeks to reveal that he doesn't use text messaging.

Ms. Boutsis' Feb. 13, 2018 email saying Mr. Helfman will receive "some docs today..."

Ms. Boutsis' Feb. 14, 2018 email saying the emails are ready for Mr. Helfman to pick up.

Mr. Helfman's Feb. 14, 2018 email asking if there are more documents.

Ms. Boutsis' Feb. 16, 2018 email explaining that she initially only asked Mr. Finglass to search for documents related to Mr. Helfman's property and a neighboring property, but she has since asked him to search for others.

Mr. Helfman's Feb. 23, 2018 email informing Ms. Boutsis that his "patience has run out."

- "He is the custodian of the records and his intentional withholding the documents is totally inexcusable. Please tell him that I must have ALL records I requested on January 23rd by the close of business on Tuesday February 22nd. Please tell him I am not going to ask again and I will get ALL the records."

An e-mail string from Jul. 8 and 9 of 2017 between Finglass, Ciraldo, Jo Manning and someone with an e-mail of rogerm57@hotmail.com, who does not respond. The other three are discussing a project at 224 2nd Street, which Finglass calls "an abortion." Finglass also instructs Ciraldo to "make a case for saving these small scale facades on Tuesday."

The video recording of the HPB meeting on July 11, 2017 was reviewed.

Ciraldo briefly addresses the board, saying, "I'm not registered on this" and then pointing out that it is odd to see a lowering of the floor as a "resiliency" update.

The minutes of the July 11, 2017 meeting reflect that the developer's plans for the building at 224 2nd Street were approved unanimously.

Ciraldo's lobbyist registration, filed on July 10, 2017, to lobby regarding a property on North Bay Road.

A print-out of Ciraldo's lobbyist registrations for 2016, 2017 and 2018.

Conclusion:

After discussion with the Ethics Advocate, it was determined that this matter would be closed with no further action. The complainant withdrew his public request and there was no evidence that the Historic Preservation League Executive Director committed any illegal lobbying.

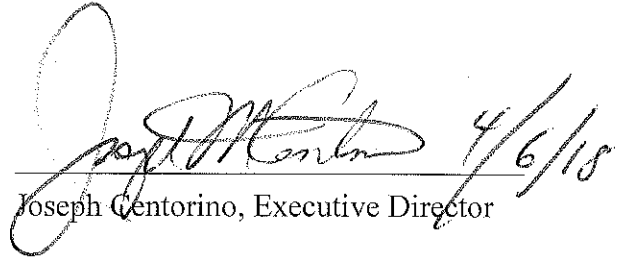


Susannah Nesmith, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director