



**CASE  
CLOSED**

**Miami-Dade Commission on Ethics & Public Trust**

Date:

4-18-2019

**Investigative Report**

Investigator: Nilda Olmo  
Complainant: David Winker  
Date Opened: 03/25/19

Case No.: PI 19-12  
Subject/Case Name: Marcelo Claire  
Date Submitted: 04/15/19

**Allegation(s):**

On February 26, 2019, David Winker (Winker) made additional allegations against Marcelo Claire for lobbying City of Miami Commissioner Ken Russell (Russell) while unregistered. This unsworn information was not included in the original complaint filed by Winker.<sup>1</sup>

Winker provided a copy of text messages between Claire and Russell dated July 11, 2018 (Attachment A). He indicated that pursuant to a public record request he received copies of text messages showing Claire lobbied City officials without registering as a lobbyist.<sup>2</sup>

**Relevant Law:**

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance Sec.2-11.1(s)(1)(2) *Lobbying*. As used in this section, Lobbyist means all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision recommendation of the County Manager or any County board or committee...

City of Miami Code Sec.2-654. *Registration; ethics; fee; disclosure requirements; log of registered lobbyists; exemptions from payment of fee; failure to register.*

**Investigation:**

Russell was contacted regarding the allegations. In response, an Affidavit was provided to the COE on April 08, 2019 (Attachment B). The Affidavit, stated that on or about July 11, 2018, Russell received an introductory text message from Claire regarding "big tech plans" and wanted to discuss. Later that evening, Claire and Russell had an introductory phone conversation where Claire mentioned his association with Miami Beckham United (MBU) but indicated the purpose of the conversation was only introductory and not to discuss MBU.

<sup>1</sup> Complaint C18-48-10, Winker v. Mas et. al., October 2018.

<sup>2</sup> Affidavit of Ken Russell dated March 29<sup>th</sup>, 2019.

Russell further stated Claire did not lobby him on any matters before the City Commission and did not provide him with any documents related to MBU. Russell indicated he had never met with or spoken to Claire and had no subsequent meetings or telephone conversations with him.

**Documents/Exhibit Review:**

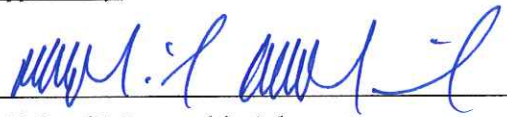
Email-Additional allegations (Claire)  
Winker Public Record Request #18-2040  
Affidavit: Ken Russell

**Conclusion:**

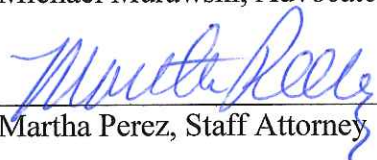
After discussion with the Ethics Commission Advocate, it was decided that this matter would be closed with no further action; the evidence is insufficient to establish that Mr. Claire engaged in unregistered lobbying.

  
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Nilda Olmo, COE Investigator

4/18/2019  
\_\_\_\_\_  
Date

Approved by:  
  
\_\_\_\_\_  
Michael Murawski, Advocate

  
\_\_\_\_\_  
José Arrojo, Executive Director

  
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Martha Perez, Staff Attorney