
From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, July 29, 2014 8:28 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: Judy Waldman, Homestead Councilwoman (Voting Conflict) INQ 14-181

INQ 14-181

From: David M. Wolpin [<mailto:DWolpin@wsh-law.com>]
Sent: Wednesday, July 23, 2014 5:47 PM
To: Centorino, Joseph (COE)
Cc: Richard Jay Weiss; Diaz-Greco, Gilma M. (COE)
Subject: RE: INQ - Judy Waldman, Homestead Councilwoman (Voting Conflict)

Thank you .

From: Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]
Sent: Wednesday, July 23, 2014 4:29 PM
To: David M. Wolpin
Cc: Richard Jay Weiss; Diaz-Greco, Gilma M. (COE)
Subject: INQ - Judy Waldman, Homestead Councilwoman (Voting Conflict)

Mr. Wolpin:

You have inquired regarding whether Homestead Councilwoman Judy Waldman has voting conflict in voting on a proposed sale of a city-owned bowling alley in which Mr. Roy Steve Shiver Jr., is involved as lobbyist and party in interest. This question has been raised in light of an email from Mr. Pat Pascuzzo alleging a possible conflict due to Ms. Waldman's apparently having conferred a Certificate of Appreciation for a contribution to the Little Angel's Foundation to aid in Hurricane Sandy Relief efforts, to a businessperson with whom Mr. Shiver may have had a business or other financial relationship.

Ms. Waldman has asserted that she has never held any interest in any business owned or controlled by Mr. Shiver; that she has not personally profited from any business owned or controlled by Mr. Shiver; that she has not borrowed money from or lent any money to Mr. Shiver or any business owned or controlled by Mr. Shiver; and that she has never been employed by Mr. Shiver or any business owned or controlled by Mr. Shiver.

Under the facts related above, I do not see that there is any relationship that would create a voting conflict, nor any likelihood that Ms. Waldman would somehow profit or be enhanced by the vote. Accordingly, I do not find that she has any prohibited conflict of interest under Section 2-11.1(d) of the County Ethics Code that would prevent her from voting on or otherwise participating in this item.

The correspondence that was included with this request included a vague allegation of a *quid pro quo* in connection with this vote. Without more specific details concerning the facts underlying the allegation, I am unable to provide any response on that matter. Moreover, that is an issue that would generally lie outside of the scope of an ethics opinion.

Sincerely,

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust

From: David M. Wolpin [<mailto:DWolpin@wsh-law.com>]
Sent: Wednesday, July 23, 2014 12:31 PM
To: Centorino, Joseph (COE)
Cc: Richard Jay Weiss; David M. Wolpin
Subject: FW: Possible Conflict of Interest

Joe- Richard asked that I forward this to you.

Councilwoman Waldman has advised us that she has not in the past and does not currently have any of the following financial relationships with Mr. Shiver.

- 1) Councilwoman has never held any interest in any business owned or controlled by Mr. Shiver.
- 2) Has not personally profited from any business owned or controlled by Mr. Shiver.
- 3) Has not borrowed any money from or lent any money to Mr. Shiver.
- 4) Has never been employed by Mr. Shiver or any business owned or controlled by Mr. Shiver.

From: Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]
Sent: Wednesday, July 23, 2014 10:30 AM
To: Richard Jay Weiss
Subject: RE: Possible Conflict of Interest

Richard,

In order for us to respond to this, we would need some proffer from Councilwoman Waldman as to whether she has or has ever had any financial relationship with Mr. Shiver or a company owned by Mr. Shiver.

Thanks.

Joe

From: Richard Jay Weiss [<mailto:RWeiss@wsh-law.com>]
Sent: Tuesday, July 22, 2014 5:25 PM
To: Centorino, Joseph (COE)
Cc: Judy Waldman
Subject: FW: Possible Conflict of Interest

Joe..

It seems that there is a question as to whether I requested your review of the email below on behalf of Councilwoman Waldman. To remove any question, in the form of an informal staff opinion of the County Ethics Commission, we request that you advise us as to whether you believe that there is a conflict of interest under County Ethics Code Section 2-11.1 (d) or otherwise, concerning the circumstances which are set forth below.

From: Pat PASCUZZO [<mailto:patpascuzzo@msn.com>]
Sent: Monday, July 21, 2014 8:34 AM
To: Richard Jay Weiss
Cc: murawsk; centori@miamidade.gov
Subject: Possible Conflict of Interest

City Attorney Weiss, this week in Homestead there is an important vote regarding an asset of the City of Homestead. This asset is said to be worth \$2.6 million dollars, I realize I have not contacted you for some

time and you are there to advise the City Council, however I discovered a potential conflict regarding the Elite Real Estate Investments, LLC. proposal and a Councilwoman.

Mr. Roy S. Shiver Jr. aka Steve Shiver has been acting as the lobbyist for EREI, LLC., in his capacity he has had personal dealings with Councilwoman Judy Waldman as a principal associated with Jose Camarillo who donated \$5,000 to the Little Angels Foundation in 2012. Mr. Shiver is also listed as a principal in two or more businesses associated with Mr. Camarillo.

From Mr. Camarillo's Facebook page;

On November 21st 2012 SKYNET360, was able to donate \$5,000.00 to the Little Angels Foundation to aid in the Hurricane Sandy relief efforts! Thank you to all of our wonderful customers and other people who support small local businesses, you make donations like this possible! If you are interested in finding out more about how you can help please call us at 786-349-2000! — with Judy Abshire Waldman and Autumn Triguero.

Mr. Shiver was partners with Mr. Camarillo and lobbied the City of Homestead on behalf of two entities together, took photos with the Councilwoman in Council Chambers, was recognized by the Councilwoman with a certificate of appreciation for the private charity the TLAF in Council Chambers. I understand fully that Mr. Shiver is not representing the Camarillo associated entities but he is the same lobbyist in these deals and that makes him the conflicting issue and interest in my opinion.

The 2013 Lobbyist list show Mr. Camarillo and Mr. Shiver representing the same entities when they were both presented with Certificates of Appreciation by the Councilwoman.

<http://fl-homestead.civicplus.com/DocumentCenter/View/270>

<http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR\2012\0808\40298864.tif&documentNumber=L12000102102>

<http://search.sunbiz.org/Inquiry/CorporationSearch/GetDocument?aggregateId=flal-l12000102102-c06c5b8a-a05a-4dd2-9d68-d28ceabd0788&transactionId=l12000102102-a2237b56-7791-4aee-893a-25112a486168&formatType=PDF>

An ordinance on behalf of Skynet 360, Camarillo Site 1 LLC was even pushed through the Zoning Board by Mr. Shiver in 2013 despite his not being registered as their lobbyist in 2013. The City of Homestead has strict lobbyist rules but does not seem to enforce them.

See pages 6-8 of this document:

<http://www.ordinancewatch.com/files/72011/LocalGovernment81349.pdf>

I certainly have noticed the Councilwoman is leading the attempt of the City of Homestead to sell the Bowling Alley property to EREI, LLC., for less than 33%-20% of it's appraised value.

The general public could view this relationship as a quid pro quo, Mr. Shiver as a principal associated with Mr. Camarillo with offices in Mr. Camarillo's 47 North Krome Avenue offices participated in recent TLAF

fundraising and is now being rewarded by that past relationship with her support for this Bowling Alley sale.

I'll include the appropriate links for your oversight. I feel Councilwoman Waldman should not have been allowed to participate in this Council resolution in the earlier discussion phases and certainly not in the voting phases until such time as the Ethics Commission has reviewed the information provided and issued a formal opinion. I include the recent opinion of Florida House General Counsel Levesque on lobbying while being a principal of a charity. State Statutes are cited in is opinion.

I have copied Mr. Centorino and Mr. Murawski of the Miami Dade County Ethics Commission with the hope of expediting the process by the Council meeting being held this week.

As always, yours truly, Pat Pascuzzo, Homestead Resident.

http://www.myfloridahouse.gov/Handlers/LeagisDocumentRetriever.ashx?Leaf=housecontent/Lists/LCO_House%20General%20Counsel/Attachments/32/Opinion12-09.pdf&Area=House

<http://www.cityofhomestead.com/CivicAlerts.aspx?AID=213>

<https://www.facebook.com/photo.php?fbid=465795010128589&set=a.465794996795257.103392.401849576523133&type=1&theater>

Richard Weiss

Member

**WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE**

2525 Ponce de Leon Blvd., Suite 700 | Coral Gables, FL 33134
P: (954) 763-4242 F: (954) 764-7770 wsh-law.com | [vCard](#)



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David Wolpin

Member

**WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE**

200 East Broward Blvd., Suite 1900 | Fort Lauderdale, FL 33301
P: (954) 763-4242 F: (954) 764-7770 wsh-law.com | [vCard](#)



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David Wolpin

Member

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE

200 East Broward Blvd., Suite 1900 | Fort Lauderdale, FL 33301

P: (954) 763-4242 F: (954) 764-7770 wsh-law.com | [vCard](#)



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