


Memorandum



Miami-Dade County Office of the Inspector General
A State of Florida Commission on Law Enforcement Accredited Agency
19 West Flagler Street ♦ Suite 220 ♦ Miami, Florida 33130
Phone: (305) 375-1946 ♦ Fax: (305) 579-2656
Visit our website at: www.miamidadelg.org

To: Honorable Dennis C. Moss, Chairperson
and Members, Miami-Dade Board of County Commissioners

From:  Christopher Mazzella, Inspector General

Date: October 7, 2010

Subject: OIG Final Report Re: *Distribution of an Improper Campaign Mailer by a Subconsultant Lobbyist for Miami-Dade County*, Ref. IG09-83

Attached please find the Office of the Inspector General's (OIG) final report regarding the above-captioned matter. Commissioner Martinez requested that we conduct this review.

This report addresses allegations that William Helmich, a lobbyist registered with the State of Florida as working on behalf of Miami-Dade County, may have been involved in the distribution of a racially-driven political mailer circulated during an August 2009 Jacksonville, Florida special state senatorial election. The OIG investigation substantiated the allegations. We determined that Mr. Helmich was directly involved in the creation and distribution of the mailer while he had been acting as a subconsultant lobbyist on behalf of Miami-Dade County. We also determined that Ronald L. Book, the prime lobbyist for the County, and the County's Office of Intergovernmental Affairs Director had no knowledge of Mr. Helmich's role in the creation and distribution of the mailer prior to its circulation. We note that Mr. Book and the BCC acted swiftly to terminate Mr. Helmich's lobbying relationship with Miami-Dade County.

Attachment

cc: Joe Rasco, Director, Miami-Dade Office of Intergovernmental Affairs
Mr. Charles Anderson, Miami-Dade County Commission Auditor
Mr. William Helmich (under separate cover)
Mr. Ronald Book (under separate cover)
Clerk of the Board (copy filed)

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By A Subconsultant Lobbyist for Miami-Dade County

INTRODUCTION & SYNOPSIS

The Miami-Dade County Office of the Inspector General (OIG) began this investigation at the memorandum request of District 11 Commissioner Joe A. Martinez. (Exhibit 1) In his memorandum, Commissioner Martinez expressed his concern that William Helmich, a lobbyist registered with the State of Florida as working on behalf of Miami-Dade County (County), may have been involved in the distribution of a racially-driven political mailer circulated during an August 2009 Jacksonville, Florida special state senatorial election. (Exhibit 2) Specifically, Commissioner Martinez stated: "I am requesting that the Office of the Inspector General conduct an investigation to ascertain if these accusations are sound. If Mr. Helmich is truly behind this atrocious use of bullying, I have concerns if he is capable of representing our interests at the state level."

The OIG investigation substantiated the allegations. We determined that Mr. Helmich was directly involved in the creation and distribution of the mailer, a conclusion also reached by former Florida Supreme Court Justice Gerald Kogan, who issued an independent report about the mailer. We also determined that Mr. Helmich and his consulting firm had been acting as a subconsultant lobbyist on behalf of Miami-Dade County at the time the mailer was circulated. Finally, we determined that Ronald L. Book, the prime lobbyist for the County, and the County's Office of Intergovernmental Affairs Director had no knowledge of Mr. Helmich's role in the creation and distribution of the mailer prior to its circulation.

OIG JURISDICTIONAL AUTHORITY

In accordance with Section 2-1076 of the Code of Miami-Dade County, the Inspector General has the authority to make investigations of County affairs and the power to review past, present and proposed County and Public Health Trust programs, accounts, records, contracts, and transactions. The Inspector General is authorized to conduct any reviews, audits, inspections, investigations, or analyses relating to departments, offices, boards, activities, programs, and agencies of the County and the Public Health Trust. The Inspector General shall have the power to review and investigate any citizen's complaints regarding County or Public Health Trust projects, programs, contracts, or transactions. The Inspector General may exercise any of the powers contained in Section 2-1076, upon his or her own initiative.

The Inspector General shall have the power to require reports from the Mayor, County Commissioners, County Manager, County agencies and instrumentalities, County officers and employees and the Public Health Trust and its officers and employees regarding any matter within the jurisdiction of the Inspector General.

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INDIVIDUALS AND ENTITIES COVERED IN THIS REPORT

William Helmich

Mr. Helmich is a Florida lobbyist and paid political consultant. He has performed various campaign functions for Republican Party candidates, including leadership functions, since at least 1997. Between January 2003 and July 2004, Mr. Helmich was the Chief of Staff for the House Majority Office, Florida House of Representatives. Mr. Helmich is the sole officer of Helmich Consulting, Inc.

Helmich Consulting, Inc.

Helmich Consulting, Inc. (Helmich Consulting) was incorporated in the State of Florida on July 8, 2004. Helmich Consulting is located in Tallahassee, Florida, and is a registered lobbying firm. On April 24, 2007, the Miami-Dade County Board of County Commissioners (BCC) approved a resolution adding Mr. Helmich to Miami-Dade County's lobbying team as a subconsultant under the existing lobbying agreement with the law offices of Ronald L. Book, P.A. (Book law offices), the prime lobbyist for the County in Tallahassee. Helmich Consulting was compensated directly by the Book law offices for its services.

The Conservative Voter's Coalition

The Conservative Voter's Coalition (CVC) is a tax-exempt political organization, commonly referred to as a "527 organization" because it was established pursuant to a section of the United States tax code, 26 U.S.C. § Section 527. The CVC was created on August 10, 2009, at the direction of Mr. Helmich, and is also located in Tallahassee. The CVC reported revenue of \$69,000 in 2009, the bulk of which was spent on printing, publications, postage and shipping.

INVESTIGATION

Investigation Overview

This investigation was conducted in accordance with the *Principles and Standards for Offices of Inspector General, Quality Standards for Investigations* as promulgated by the Association of Inspectors General.

This investigation is predicated on the memorandum received from Commissioner Joe Martinez stating that Mr. Helmich, a lobbyist working on behalf of Miami-Dade County, may have been involved in the distribution of a racially-driven political mailer circulated during an August 2009 special state election. Our investigation substantiated these allegations.

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During the course of the investigation, OIG Special Agents reviewed documents including, but not limited to, published reports of investigation; campaign records and filings; BCC resolutions and memorandums; Miami-Dade County and State of Florida lobbying records and registration materials; and records and materials provided by the Book law offices. OIG Special Agents also interviewed Miami-Dade County prime lobbyist Ronald L. Book and the Director of Miami-Dade County's Office of Intergovernmental Affairs. Mr. Helmich declined to be interviewed.

The Special Election Mailer

On August 5, 2009, Governor Charlie Christ announced a special election to fill the vacant seat of deceased State Senator Jim King, District 8, Jacksonville. The primary election was to be held on September 15, 2009, and the general election on October 6, 2009. Prior to the primary election, an absentee ballot request mailer was sent out to registered Republican voters in the Jacksonville area. The mailer negatively depicted black Americans, suggesting that organizations such as the Black Panthers and ACORN may appear at the voters' polling places to threaten and intimidate them. The mailer contained a perforated absentee ballot request form that would allow the recipient to bypass the polling place and request an absentee ballot that could be "safely" obtained and returned through the mail to the CVC, which would then mail the absentee ballot form to the requestor.

The Kogan Report

On September 23, 2009, the Florida Justice Association (FJA), a trial lawyer lobby organization, admitted responsibility for distributing the mailer. The FJA also hired former Florida Supreme Court Justice Gerald Kogan to conduct an investigation into the facts surrounding the preparation and distribution of the CVC absentee ballot request form. Justice Kogan's report found that none of the officers of the FJA had any knowledge of the contents of mailer prior to its distribution. The report also found that the Political Director of the FJA (Political Director) reasoned that the returned absentee ballot forms would provide a list of persons who could be lobbied to vote for the FJA's preferred candidate. Kogan's report further found that the Political Director hired Mr. Helmich, who he knew to be experienced in sending and preparing political mailers, to do the job.

According to Justice Kogan's report, Mr. Helmich created the CVC to prepare and send the mailer. The funding for the mailer was provided by another 527 organization, Conservative Citizen's for Justice (CCJ), which was an ally of the FJA. The payment of \$69,000 was authorized by the Political Director. Following the FJA's disclosure and the resulting Kogan report, the FJA

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disciplined several members of its staff involved in the procurement of the mailer from Mr. Helmich's firm.

Interview of Ronald Book

OIG Special Agents interviewed Mr. Book as part of the investigation. Mr. Book stated that neither he nor his firm had any knowledge of the existence of the mailer, or of Mr. Helmich's involvement in distributing the mailer, until late August 2009, when ranking Republican leaders called him to complain. Mr. Book stated that he immediately contacted Mr. Helmich and told him to "fix the problem." Mr. Book further stated that to his knowledge, Mr. Helmich took no action to fix the problem.

Mr. Book stated that on October 20, 2009, he was provided with a copy of the mailer, which he had not previously seen. Mr. Book stated that he then had a conversation with Mr. Helmich, at the conclusion of which he verbally terminated Mr. Helmich's role as a subconsultant lobbyist. Mr. Book further stated that later that day he was questioned by the BCC about the mailer. Mr. Book stated that he informed the BCC that although he had been aware of the mailer, he had never seen it before that morning. Mr. Book also stated that during that meeting, the BCC unanimously passed a motion to deny the renewal of the lobbying subcontract of Helmich Consulting. Mr. Book added that the mailer was the "worst" campaign flyer he has ever seen in his 37-year career in politics.

Interview of the Director of the Miami-Dade County Office of Intergovernmental Affairs

OIG Special Agents also interviewed the Director of the Miami-Dade County Office of Intergovernmental Affairs (the Director). The Director stated that he was responsible for coordinating and regulating the activities of the County's lobbying team. The Director further stated that he had no knowledge of the activities of Helmich Consulting and Mr. Helmich pertaining to the Jacksonville election prior to when the allegations regarding the mailer were made public. The Director also stated that after he learned about the distribution of the mailer, he had a conversation with Mr. Helmich, wherein Mr. Helmich acknowledged his involvement and expressed remorse for what had been done. The Director stated that he also contacted Mr. Book after he became aware of the mailer and directed Mr. Book to "fix the problem."

Attempted Interview of William Helmich

OIG Special Agents attempted to interview Mr. Helmich, but he declined to answer any questions. Mr. Helmich did state, however, that "if the BCC has any questions, they can call me."

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RESPONSES TO THE DRAFT REPORT

This report, as a draft, was provided to Messrs. Book and Helmich for their discretionary written responses. The OIG received no responses to the draft version of this report.

CONCLUSIONS

The OIG investigation determined that Helmich Consulting and its sole officer, William Helmich, were paid by the FJA to prepare and send a controversial mailer to Jacksonville residents during the 2009 special election. The mailer was designed and conceived to influence the results of that election by providing the FJA with a list of likely voters who they could individually lobby to vote for the Association's preferred candidate. The OIG also determined that Mr. Book and the County's Office of Intergovernmental Affairs Director had no knowledge of Mr. Helmich's role in the creation and distribution of the mailer prior to its circulation. We note that Mr. Book and the BCC acted swiftly to terminate Mr. Helmich's lobbying relationship with Miami-Dade County.