

Biscayne Building  
19 West Flagler St., Suite 220  
Miami, FL 33130  
Phone (305) 375-1946  
Fax (305) 579-2656  
www.miamidadeig.org

**Office of the Inspector General  
Miami-Dade County**

# FINAL REPORT

To: George M. Burgess, County Manager  
From: Christopher R. Mazzella, Inspector General  
Date: June 11, 2004  
Re: CITT Chairperson

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*This report was previously issued in draft form on May 20, 2004 to Mr. John Cosgrove and the County Manager from whom the Office of the Inspector General (OIG) sought comment. No actual recommendations were made in the draft report. During this interim period, the OIG received a response from Mr. Cosgrove, which is attached in full. (Appendix A) Thereafter, on May 26, 2004, Mr. Cosgrove publicly resigned his position as the CITT Chairperson. While no actual response to the report was received from the County Manager, by way of memorandum dated June 3, 2004, (Appendix B) the County Manager appointed Mr. Miles Moss, CITT member, and Pete Hernandez, Assistant County Manager, to replace Mr. Cosgrove and Mr. Servando Parapar, on the Transit Department's Program Management Consultant Selection Committee. These new appointments are now in place and the business of consultant selection has begun with the receipt of the proposals. This matter, as reported herein, is essentially moot, however, the OIG for public reporting purposes issues this final report.*

Cc: Honorable Alex Penelas, Mayor  
Honorable Chairperson Barbara Carey-Shuler, ED.D  
Honorable Dennis C. Moss, Chair of the Transportation Committee  
and Members, Board of County Commissioners  
Carlos F. Bonzon, Assistant County Manager for Surface Transportation  
Roosevelt Bradley, Director, Miami-Dade Transit Department

Clerk of the Board (copy filed)

## INTRODUCTION

Recently, the Office of the Inspector General (OIG) was made aware of meetings taking place between the Chairperson of the Citizens' Independent Transportation Trust (CITT) and various public officials for the purpose of introducing and seeking business opportunities for an out-of-town construction and environmental services company, ESA Inc. of South Dakota (ESA). Two ESA officers met with four public officials and a company representative of a major construction manager joint venture firm when they were in the Miami area on March 29 and 30, 2004. The five meetings were all pre-arranged and attended by Mr. John F. Cosgrove, former State representative and the current CITT Chairperson.

Mr. Cosgrove is also a member of the County's selection committee for the upcoming Transit Program Management Consultant (PMC) contract. The contract, an agreement of up to \$84 million for seven years, is still, at present, in the advertisement stage. One of the public officials introduced to ESA Inc. by Mr. Cosgrove is Servando Parapar, Executive Director of the Miami-Dade Expressway Authority. Mr. Parapar is also a member of the PMC selection committee. The company introduced to the ESA officials by Mr. Cosgrove is a joint venture consisting of one of the principal firms expected to compete for the Transit PMC contract.

The meetings arranged by Mr. Cosgrove were for the explicit purpose of seeking business opportunities for ESA in Miami-Dade County. Access to these public officials was afforded by Mr. Cosgrove's recognition as a former State of Florida public official and his current position as CITT Chairperson. And while the ESA representatives relied upon Mr. Cosgrove to arrange the meetings and make the appropriate introductions on their behalf, Mr. Cosgrove, a lobbyist on several other fronts, was not registered to lobby on behalf of ESA at the time these meetings took place.

## FINDINGS

In addition to being the Chairperson of the CITT and a selection committee member for the Transit PMC contract, Mr. Cosgrove is also one of several vice-chairs of the "John Kerry for President" campaign. Campaign finance records reveal that he has raised over \$100,000 for the campaign.

Mr. Kori Mitchell is the Florida Finance Director for the "John Kerry for President" campaign. Kori Mitchell is the son of D. Mike Mitchell, Vice President and 49% shareholder of ESA. Mr. D. Mike Mitchell and Mr. Douglas Wheeler were the two ESA officials who came to Miami. At Kori Mitchell's request, Mr. Cosgrove arranged several meetings for ESA company representatives in an endeavor to seek business opportunities in Miami-Dade County.

ESA is an environmental services firm that specializes “in mold, asbestos and lead remediation and demolition services.”<sup>1</sup> Subsequent to the meetings in Miami-Dade County, ESA registered with the Florida Division of Corporations to conduct business in the State of Florida as a foreign corporation and has registered as a Miami-Dade vendor in the construction services fields of asbestos and lead abatement and demolition.

On March 29 and 30, 2004, Mr. Cosgrove arranged for and attended the following five meetings with Messrs. Mike Mitchell and Douglas Wheeler of ESA Inc.

- Mr. Clinton Forbes, Assistant to the Director, Miami-Dade Transit Department (MDT). MDT’s director, Mr. Roosevelt Bradley, is also a member of the PMC selection committee. Upon Mr. Forbes direction, Mr. George Navarrete, Acting Assistant Director of the Transit Department contacted Mr. Kori Mitchell as an ESA representative. Mr. Navarrete was asked to assist the out-of-town company in obtaining County work. Mr. Navarrete suggested they start by contacting the Procurement Department and registering as a vendor.
- Mr. John Renfrow, Director, Miami-Dade Department of Environmental Resources Management (DERM).
- Mr. Aristides Rivera, Director, Miami-Dade Public Works Department.
- Mr. Servando Parapar, Executive Director, Miami-Dade Expressway Authority (MDX). While jurisdictionally local, MDX is a state governed authority. Mr. Parapar is also a member of the Transit PMC selection committee.
- Mr. Orlando Cruz, Business Manager, Parsons-Odebrecht, J.V. The Parsons-Odebrecht, J.V., is the County’s construction manager for the Aviation Department’s South Terminal Expansion project. According to Mr. Cruz, he advised Mr. Cosgrove and the ESA representatives that there is no more work to be let on the South Terminal project. Subcontractors necessary for demolition and lead and asbestos abatement had already been selected. Parsons Transportation Group, one of the joint venture partners, is also an expected proposer for the Transit PMC contract.

Several of the officials that OIG Special Agents interviewed stated that they thought the scheduled meetings were supposed to be with Mr. John Cosgrove alone, and they were surprised when officers of ESA attended the meetings as well. Furthermore, the OIG learned that in at least two meetings with Transit and DERM, Mr. Kori Mitchell was also present and was introduced by Mr. Cosgrove as a friend of the “John Kerry for President” campaign.

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<sup>1</sup> Company Profile from website [www.esasite.com](http://www.esasite.com).

On a different note, the OIG has also learned that with regard to Mr. Cosgrove's appointment to the Transit PMC selection committee, his appointment came about due to his own request that he be the individual to fill the CITT-designated position. The request was made in mid-to-late February 2004 and, thereafter, his name was forwarded to the County Manager. By way of email dated February 27, 2004, Mr. Cosgrove was named on the final selection committee list as approved by the County Manager and Assistant County Manager for Surface Transportation. And while the official memorandum naming the PMC selection committee was dated March 25, 2004 and may not have been forwarded to the committee members until late April 2004, Mr. Cosgrove was made verbally aware by a county official shortly after February 27, 2004, that his name was forwarded to the County Manager for approval.

At the time of the March 29<sup>th</sup> and 30<sup>th</sup> meetings, Mr. Cosgrove was not registered to lobby on behalf of ESA. The two ESA vice-presidents had also not registered to lobby on their company's behalf. At DERM, where ground floor security requires that all non-county employees are logged in, security sign-in sheets obtained by the OIG show that Kori Mitchell, his father, D. Mike Mitchell, and Mr. Wheeler were all logged in as having an appointment with the Director, yet Mr. Cosgrove, who arranged and attended the meeting, was not accounted for on the logs.

### ISSUES AND CONCERNS

Our concerns are as follows:

1. Mr. Cosgrove's membership on the CITT and his position as the Trust's Chairperson are adversely affected by his actions of acting as an intermediary for an out-of-town contractor seeking publicly-funded contracts. The public demands that public officials carry out their duties free of self-interest and self-dealing. Even the appearance of impropriety must be avoided. Mr. Cosgrove used his position as Chair of the CITT to obtain meetings with these high-level officials at the request of the Florida Finance Director of the Kerry presidential campaign, and, at two of the five meetings, Mr. Cosgrove introduced the attendees as friends of the Kerry campaign.
2. Mr. Cosgrove represented ESA by arranging and attending meetings between the company and public officials for the purpose of seeking local business opportunities without having registered to lobby on ESA's behalf.
3. Mr. Cosgrove's contacts with Parsons Transportation Group personnel (partner of the Parsons-Odebrecht J.V.) and Mr. Parapar, Executive Director of MDX on behalf of ESA places into question his objectivity and membership on the Transit PMC. As previously mentioned, Mr. Parapar is another member of the same selection committee and Parsons is expected to submit a proposal to compete for the lucrative program management contract.



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**MEMORANDUM  
OFFICE OF THE COUNTY MANAGER**

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TO: Those listed Below

DATE: June 03, 2004

FROM: George M. Burgess  
County Manager

SUBJECT: Selection Committee for the  
Miami-Dade Transit Department  
for Program Management  
Consulting Services for the  
Implementation of the People's  
Transportation Plan -CICC No.  
E03-MDT-01

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This memo supercedes my memo of March 25, 2004 regarding the Selection Committee for the Miami-Dade Transit Department for Program Management Consulting Services for the implementation of the People's Transportation Plan - CICC No. E03-MDT-01.

In accordance with Administrative Order 3-34, I am hereby appointing Miles Moss, CITT Member, to the afore-mentioned Selection Committee to replace John Cosgrove.

In addition, I am also appointing Pete Hernandez, Assistant County Manager, to the Selection Committee to replace Servando Parapar, MDX Director.

I am directing the Selection Committee to move forward expeditiously with their responsibilities. All questions must be directed to the staff contact person(s) designated by CICC.

- c. Bill Johnson, Assistant County Manager
- Alex Munoz, Assistant County Manager

Selection Committee

Carlos F. Bonzon, CMO, Non-Voting Chairperson

Roosevelt Bradley, MDT

Angela Gittens, MDAD

Marsha E. Jackman, DBD

John Martinez, FDOT

Pete Hernandez, CMO

Miles Moss, CITT

William M. Brant, WASD

Jose L. Mesa, MPO

## RESPONSE OF JOHN F. COSGROVE TO OFFICE OF INSPECTOR GENERAL

This is perhaps one of the most difficult and hurtful responses that I have had to deal with in my almost 20 years of holding elected office and now in my efforts to be a good citizen by participating in civic and community leadership. I always said to folks that "you don't have to be in public office to be in public service".

I can only explain the regretful circumstances of what occurred, the timeline issues that are significant in what happened and admit that I used poor judgment on reflection.

In January Kory told me that his father was coming to Miami in March for a few days visit. Kory had been here about 18 months without his family. He asked me if his Dad could meet some of the environmental interests. I explained to him very firmly, and explicitly that I could not have any business interest, attorney interest or financial involvement in any way. Maybe I could do a "courtesy introduction", but after that they were on their own with nothing more from.

In my years in public office and thusly with the CITT there are people who ask about what is going on in the program or issues. I have always tried to provide information or directed them to see the appropriate people to handle their issues. Many times I referred them to the CITT staff to answer questions. Many times the persons were citizens who had contacted me.

My mistake and admitted poor judgment here is that I went to the meeting and made a "courtesy introduction". I only met Mike Mitchell the day before, and have not heard from him since. He did not even give me a business card or phone number.

My secretary made the appointments. My instruction was to advise it was a 2 minute "courtesy introduction". That was explained in the beginning.

I made the same statement at each meeting. I am not the attorney, have no business interest, financial interest or expectation. ( I definitely was not a "lobbyist" for Mike and in fact never even knew the name of the business until the OIG report.) I stated that this is a courtesy introduction and after that they are on their own. In two of the meetings, I actually left the discussion and made phone calls.

Although I believe I would have been granted a meeting by any of the people involved since I have known all of them for probably 20 years, I now see that, on reflection, the concern about the CITT could be there notwithstanding the original

reference for the meeting as a "courtesy introduction" and my absolute disclaimer at each meeting.

This was my mistake and I take responsibility. I only ask that the implications that there was more to it be discounted. I have served our community for almost 25 years in leadership positions. I know now that my attempts to disassociate myself as best I could were not sufficient.

However the CITT role has been difficult and I am learning the proper applications of the policies and procedures of Miami Dade County. I have learned from this embarrassing and difficult situation. I want to continue to provide civic service and make a difference in the needs of our community for transportation.

In regard to the PMC contract selection committee issue I believe the time frame is important for consideration. Kory and I spoke in late January. My secretary made the appointments in early to mid February for late March because of Mike Mitchell's travel plans.

At our February 27 CITT meeting Dr. Bonzon and I discussed the PMC matter because he gave a briefing and documents on it. He had previously told me that he thought a CITT member might be a good idea for the screening committee. I said I would be willing to serve (even though the CITT business is taking 20-30 hours a week already I knew it was an important contract and one that I thought I could better understand if I participated. It was on February 27 in that conversation that I asked how was it going. Carlos told me "it is up to the Manager, it is on his desk to decide." I thought I should not ask any more and just wait to see.

The next time I heard anything was on April 19 when Ms. Paulk called my office to advise that I was on the committee and talk about meeting dates. I remember the conversation because I was about to board the plane from Atlanta to Croatia. That was the FIRST time I knew the committee had been formed. The OIG report references that but does not specifically note the dates. An email was sent on April 20 which is the first written communication. I did not come back from Croatia until April 23.

The OIG report states that "the official memorandum naming the PMC selection committee was dated March 25, 2004 and may not have been forwarded to the committee members until late April 2004" it is not correct that Carlos told me anything was definite. I think my attitude and concerns would have been acutely raised and this whole series of events different had I known.

I did not know about the selection committee determination and being new to the inner county processes did not know how that worked. Your OIG investigator correctly stated the March 25 Memorandum which was not seen by me, or apparently any others, until "late April". Even though I admit I used poor judgment in what occurred, the time

lines I hope will establish there was no intent to do any more than what I stated in the effort to provide a courtesy introduction. What happened after that to date, I cannot state as I was not involved.

As I said above there have been other inquiries, business folks, citizens, etc that I have taken but usually referred to staff or gave the information myself. My mistake here was in giving the appearance of some interest beyond what I stated in my disclaimer. I was wrong and have learned from this situation. It will not happen again.

Some of the factual findings I cannot answer. For instance a reference is made to the sign in log for DERM. As best I remember I did sign in at each place requested. At DERM I remember getting into a friendly conversation with the guard before the elevator came. I may have inadvertently failed to sign in but that is not a conspiracy theory proof since as best I recall I did elsewhere.

I emphatically deny that I was "seeking local business" for anyone. I made that very clear to the Mitchells and to anyone we met. I understand and accept the consequences for the appearance but assure you I have had no other contact with since that day. And I am not in any way, now or ever, involved in procuring business. It was a courtesy and an unintentional mistake, which I do admit.

For the PMC selection committee to proceed in the public's best interest I have asked the County Manager to remove me from the Committee. This is best for the objective of a fair process. Even though the bid period has been extended until some time in the future and therefore the selection committee has no duties as of yet, I do not want the CITT or any participants or any other interest or the public to be concerned about my involvement. If the Manager wants to appoint another CITT member that is his prerogative as it was from the beginning.

Had I known my appointment I would not have met with Mr. Cruz. I only sought to introduce Mike Mitchell to him because I knew him for over 20 years and I thought he could provide any information as appropriate. I made the same disclaimer to Mr. Cruz and then proceeded to look at the maps in the conference room while they talked for about five minutes. Mr. Michell told me his interest was informational. As I recall he did not even have business cards or any other information for anyone, including me.

Hence I have tried to right this wrong, unintentionally created, and somewhat guided by the timelines but nonetheless poorly handled by me.

I hope my immediate willingness to withdraw from the PMC committee and my contriteness in expressing the poor perception, but not the reality of seeking any personal or business gain, together with a 25 year record of public service would be considered.



Although troubling that the "CONFIDENTIAL" communication to George Burgess with a DRAFT copy to me to offer comments was somehow given to the press before I had a fair opportunity to even read, digest or respond, I must deal with this in my life. The public embarrassment before I could be afforded the due process set up in this

matter is regretful. However, I made the mistake in judgment and I must take the consequences.

I want to continue to serve on the CITT. I believe the treatment of this issue already and my immediate request to be removed from the PMC selection committee is already quite strong.

Lastly, I have had inquiries about this action being retaliatory for the recent public disagreements with certain County Commissioners. Although I hope that is not the situation and personally to not believe that to be the case, it does not change the fact that I have admitted I made a mistake in judgment. I ask that my 25 years of public and citizen involvement be taken into consideration. Our community needs more citizens willing to put in the time and devotion to helping solve problems not just complaining about them. This is why I asked to be on the CITT and why I want to stay and finish the job.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John F. Cosgrove", written over a circular stamp or mark.

John F. Cosgrove