

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 13-238 (Executive Order of Suspension)

WHEREAS, Steven C. Bateman, is presently serving as Mayor for the City of Homestead, Florida; and

WHEREAS, on August 27, 2013, Steven C. Bateman was arrested on two counts of unlawful compensation or reward for official behavior, in violation of section 838.016, Florida Statutes; and

WHEREAS, a violation of section 838.016, Florida Statutes, constitutes a second-degree felony; and

WHEREAS, section 112.51, Florida Statutes, provides that the Governor may suspend from office any elected municipal officer who is arrested for a felony; and

WHEREAS, it is in the best interests of the residents of the City of Homestead, and the citizens of the State of Florida, that Steven C. Bateman be immediately suspended from the public office that he now holds, upon the grounds set forth in this executive order;

NOW, THEREFORE, I, RICK SCOTT, Governor of Florida, pursuant to section 112.51, Florida Statutes, find as follows:

- A. Steven C. Bateman is, and at all times material was, Mayor for the City of Homestead, Florida.
- B. The office of Mayor for the City of Homestead, Florida, is within the purview of the suspension powers of the Governor, pursuant to section 112.51, Florida Statutes.
- C. The attached arrest warrant and affidavit alleges that Steven C. Bateman committed felonies in violation of the laws of Florida. This suspension is predicated upon the attached arrest warrant and affidavit, and is incorporated as if fully set forth in this Executive Order.


BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective immediately:

Section 1. Steven C. Bateman is suspended from the public office that he now holds, to wit: Mayor for the City of Homestead, Florida.

Section 2. Steven C. Bateman is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 28th day of August, 2013.



RICK SCOTT, GOVERNOR

ATTEST:



SECRETARY OF STATE

2013 AUG 28 PM 3: 21
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

WARRANT TYPE: ARREST WARRANT
AWPS#: 13000706
COURT CASE NUMBER:

CASE TYPE: FELONY
REFILE INDICATOR:
DIVISION:

TO ALL AND SINGULAR SHERIFFS OF THE STATE OF FLORIDA, GREETINGS:
YOU ARE HEREBY COMMANDED TO IMMEDIATELY ARREST THE DEFENDANT AND BRING HIM OR HER BEFORE ME, A JUDGE IN THE 11TH JUDICIAL CIRCUIT OF FLORIDA, TO BE DEALT WITH ACCORDING TO LAW:

DEFENDANT'S NAME: BATEMAN STEVEN C TTL
LAST FIRST MIDDLE

AKA(S):
STR/APT/CITY/ST/ZIP: 3150 FAIRWAY DRIVE / / HOMESTEAD / FL/ 33035
DOB: 04/26/1955 RACE: W SEX: M HEIGHT: WEIGHT: HAIR: EYES:
SOC SEC #: 2 # : SID #: FBI #:
SCARS, MARKS, TATTOOS: IDS #: 2818345
DRIVERS LICENSE #: STATE: FL
VEH TAG #: STATE: MAKE: MODEL: YEAR: COLOR:
COMMENTS:

PROBATION:

BEFORE ME PERSONALLY CAME FIELDER, ROBERT (AFFIANT) WHO, BEING DULY SWORN, STATES THAT THE DEFENDANT ** BATEMAN, STEVEN C **, DID COMMIT THE ACTS STATED IN THE ATTACHED STATEMENT OF FACTS. BASED UPON THIS SWORN STATEMENT OF FACTS, I FIND PROBABLE CAUSE THAT ** BATEMAN, STEVEN C ** DID COMMIT THE CRIME(S) OF:
F 2 838.016(1) COMPENSATION/REWARD FOR OFFICIAL BEHAVIOR/UNLAWFUL \$10K
F 2 838.016(2) COMPENSATION/REWARD FOR OFFICIAL BEHAV/INFLUENCE \$10K
C 0 2-11.1(G) CONFLICT OF INTEREST/EXPLOIT OFFICIAL POSITION \$500
C 0 2-11.1(O) CONFLICT OF INTEREST/ACQUIRING FINANCIAL INTEREST \$500
SEE NEXT PAGE FOR ADDITIONAL CHARGES

w/ Nebbia

IN DADE COUNTY, FLORIDA, CONTRARY TO FLORIDA STATUTES AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF FLORIDA.

POLICE CASE #: AGENCY: OFFICE OF THE STATE ATT
ASSISTANT STATE ATTORNEY: PEREZ, ISIS UNIT: 064

EXTRADITE INFORMATION

EXTRADITION CODE: 1 - FELONY - FULL EXTRADITION UNLESS OTHERWISE NOTED IN MIS FIEL
EXTRADITION MAY BE CONFIRMED WITH THE METRO-DADE POLICE DEPARTMENT, DADE COUNTY
** IN ANY EVENT, DEFENDANT WILL BE ARRESTED IF FOUND IN THE STATE OF FLORIDA **

SWORN TO BY AFFIANT FIELDER, ROBERT COURT ID 056-
SO ORDERED THIS DAY OF

206

8/27/13

w/ Nebbia
\$21,500
BOND AMOUNT

JUDGE IN THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY FLA

() FIRST APPEARANCE JUDGE MAY NOT MODIFY CONDITION OF RELEASE
(RULE 3.131(D)(1) (D))

() TO ANSWER UNTO THE STATE OF FLORIDA ON AN INFORMATION OR INDICTMENT FILED AGAINST HIM OR HER BY THE STATE ATTORNEY FOR THE CHARGE(S) OF:
() UPON ORDER OF A JUDGE IN THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA FOR FAILURE TO APPEAR IN COURT TO ANSWER THE PENDING CHARGE(S) FOR THE CHARGE(S) OF:

HARVEY RUVIN, CLERK OF THE COURT

BY _____ DEPUTY CLERK _____ DATE _____

AWPS#: 13000706
COURT CASE NUMBER:
DEFENDANT'S NAME: BATEMAN

PAGE: 2
REFILE INDICATOR:
DIVISION:
STEVEN C

C 0 2-11.1(S)(2) CONFLICT OF INTEREST/ILLEGAL LOBBYING \$500

Your affiant, Karl Ross, is an investigator with the Miami-Dade County Commission on Ethics and Public Trust, (hereinafter "COE"), where he has been employed since 2004. Since that time, he has conducted more than 200 ethics inquiries and collaborated with police and law enforcement on numerous criminal investigations involving public corruption. He is presently enrolled in the Masters of Forensic Accounting program at Florida Atlantic University, and has been a Certified Fraud Examiner since 2006.

Your co-affiant is Miami-Dade State Attorney Investigator Robert Fielder. Investigator Fielder is assigned to conduct public corruption investigations. Investigator Fielder has held this position since April 2003. Prior to that time, Investigator Fielder was a police officer with the Miami Police Department for 29 years. From 1986 through 2003, Investigator Fielder was detached to Federal authorities, including the United States Attorney's Office and the Drug Enforcement Administration. Investigator Fielder was responsible for conducting complex criminal investigations involving police corruption, public corruption and narcotic trafficking. Your co-affiant is working jointly with investigator Ross in this investigation.

This affidavit is based upon information known personally to your affiants based upon investigation, review of business and financial records obtained pursuant to subpoenas issued by the Office of the State Attorney and sworn statements taken from witnesses who have personal knowledge of the facts herein. Because this affidavit is being submitted for the limited purpose of establishing probable cause, your affiants have not included every aspect, fact, or detail of this investigation.

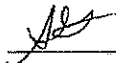
The subject of this investigation, Steven C. Bateman was elected Mayor of the City of Homestead, Florida, in November 2009 and was reelected in November of 2011. The subject has occupied said office at all times material to this investigation.

COE opened an investigation in April of 2012 into Mayor Bateman's alleged improper dealings and conflicted relationships with businesses and developers in the Homestead area.

In consideration of his services as Homestead mayor, the subject receives a base salary of \$6,000 and other monetary benefits from the City in excess of \$33,000, a year. He also receives additional benefits such as health insurance and life insurance, and a retirement account. Article II of the City of Homestead Municipal Code, Section 2.02 states that among the duties of the Mayor, the Mayor shall have the power and duties to serve as chair of the Council (Homestead City Council); Serve as the City's official representative and execute ordinances, resolutions and duly authorized contracts. Section 2.02 (a)

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(viii) also states the Mayor shall have other powers and duties as are required by the Charter or as may be prescribed by the Council.

Community Healthcare of South Florida Inc. (hereinafter "CHI") is a Florida not-for-profit corporation founded in 1971 and which reported \$49 million in revenues in 2012. CHI has several planned or existing facilities in Homestead including a proposed project called the Children's Crisis Center slated for construction at 790 W. Mowry Drive.

Miami-Dade County has allocated \$1,890,000 (\$1.89 million) for the construction of the Children's Crisis Center. These funds come from the General Obligation Bonds.

Construction cannot begin on the Children's Crisis Center because, among other things, it would be reliant on the City of Homestead's pump station No. 1 (hereinafter "the pump station"), which is at capacity and cannot receive any new sewage connections at this time.

Miami-Dade County is subject to a Federal Consent Decree for violations of the U.S. Clean Water Act and no additional flows to the County's sewage system can be approved absent sufficient capacity.

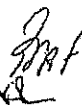
Homestead's sewage system is presently at capacity and a state of "absolute moratorium" has been imposed on new economic development projects in Homestead until the City gains approval of its plans to replace the old pump station No. 1.


The Homestead City Council authorized construction of a new, upgraded pump station at a cost of about \$3 million on or about September 2010. The project is currently on hold until the plans are approved.


The City's efforts to replace the pump station are stalled because of objections raised about the design and capacity of the new station by County water and sewer officials.

On or about September 2012, CHI President and CEO Col. Brodes Hartley Jr. (hereinafter "Col. Hartley") requested a meeting with the subject, the City Manager and City Engineer to discuss issues affecting the construction of the project, including the pump station.

The meeting took place on September 25, 2012, and during said meeting it became clear that CHI would not be able to proceed with construction of its project until the City of Homestead received approval from County officials for the construction of the City's new pump station.

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A private developer such as CHI would have the option to build either a temporary septic tank or to provide its own sewage treatment facility in the event the City's planned replacement station were unable to gain approval from County regulatory officials. These options would have to be paid by CHI.

On or about October 2012, the subject signed two letters of endorsement at the request of CHI to support its efforts to secure Federal and other sources of grant money for its healthcare programs in the South Dade area.

On or about February 1, 2013, the subject was retained by CHI as a paid consultant. The terms of the agreement called for the subject to receive an hourly fee of \$125 to serve as an advisor and construction manager for CHI projects. He was also allotted a \$300 monthly vehicle allowance.

On or about February 25, 2013, CHI issued an internal purchase order in the amount of \$120,000, authorizing payments in this amount to the subject for consulting services over the next year and expiring February 25, 2014. The order was approved by CHI's board of directors.

On July 5, 2013, Col. Hartley was subpoenaed by the Office of the State Attorney to give a statement. Your affiants took a sworn statement from Col. Hartley, who advised that he met with the subject on or about January 2013 at the request of one of his employees, Romanita Ford, director of community affairs and governmental relations.

Col. Hartley said the subject, during the January meeting, offered to assist CHI with its construction program and solicited employment. "He came to talk to me about his ability and his experience as a contractor to assist us in moving our projects forward," Col. Hartley said about the meeting, which took place in Col. Hartley's office.

The subject is not licensed as a general contractor. The subject has a County license to install storm shutters, awnings and screen enclosures. The consultant that CHI was using at the time the subject was contracted, Pedro Escobar, holds an architectural degree. Mr. Escobar was paid \$60 an hour to prepare construction documents such as Requests for Proposal (RFPs), Requests for Qualification (RFQ) and coordinating the numerous remodeling projects that CHI had going at the time of the subject's employment.

Col. Hartley said he decided to hire the subject as a consultant, and agreed to pay the subject his suggested fee of \$125 per hour, plus the \$300 monthly vehicle allowance. Col. Hartley said he later agreed to hire an assistant, Frank May, for the subject at a rate of \$40 per hour to help the subject with the preparation of construction documents and other CHI business.

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Col. Hartley said the subject was hired to oversee and manage numerous CHI construction projects, including three in Homestead – the South Dade Center, the MLK Clinica Campesina and the Children's Crisis Center. All of these Homestead construction projects require permits from the City of Homestead

Col. Hartley advised that the Children's Crisis Center was stalled due to permitting issues relating to the City's sewage capacity problems. He said this was discussed during a September 25, 2012, meeting at the Homestead City Manager's office that the subject attended in his official capacity as Mayor.

Col. Hartley further advised that after the subject was retained by CHI as a consultant, the subject offered to bring this matter to the attention of Miami-Dade County Mayor Carlos Gimenez with the hope that Mayor Gimenez would be able to intervene on behalf of CHI and expedite approvals. He said the subject did this at his own initiative, not at the request of CHI.

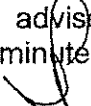
Video from the February 20, 2013, Homestead City Council meeting showed the subject advised City staff and council members that he had, with some difficulty, arranged a "big one-hour sit-down with the County Mayor" to discuss "three or four serious items" he considered to be of importance to the City of Homestead. He described them as "issues that the County needs to step up and take care of."

Col. Hartley stated he was aware the subject would be acting on behalf of CHI, and stated that "I didn't try to stop him if that's the question." He said that at no time did the subject indicate he might have a conflict of interest by representing CHI before the Miami-Dade County Mayor or any other public official. A meeting between the subject and Miami-Dade County Mayor Gimenez took place on the morning of Feb. 21, 2013, in the office of County Mayor Gimenez.

Col. Hartley stated the subject reported his meeting with Mayor Gimenez and senior members of Mayor Gimenez' staff was successful, and indicated he felt the project was "going to move forward." He said the subject gave a positive assessment of the meeting at a subsequent "facilities update" meeting attended by CHI personnel on February 26, 2013. "It seemed positive that we were going to be able to move the project forward," Col. Hartley said.

Minutes of the February 26, 2013, facilities update meeting of CHI reflect the subject told those in attendance that "the City of Homestead should be off the hook for all sewage problems" by the end of the week and that he should know by the following week "the status of building the CCC" (the Children's Crisis Center project). The subject further indicated he was "eager to start the groundbreaking" on the project, and advised CHI to "begin publicity." Col. Hartley was among those present, the minutes of the meeting show

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On July 17, 2013, the Office of the State Attorney subpoenaed Rafael Nieves, director of logistics for CHI. Your affiants took a sworn statement from Mr. Nieves who advised that his responsibilities include the oversight of construction projects and maintenance at CHI's facilities. Mr. Nieves said he first met the subject during the September 25, 2012, meeting at the Homestead City Manager's office regarding the construction of the Children's Crisis Center and issues relating to delays in permitting because of the City's pump station.

Mr. Nieves said that some time on or about February 2013, he became aware that the subject had been hired by CHI to oversee the Children's Crisis Center project, among other construction projects, and to attempt to expedite the issuance of related permits. He said the subject was hired "to make the wheels turn faster" as it related to obtaining approvals of permits from both Miami-Dade County and City of Homestead officials.

Mr. Nieves advised that CHI was in danger of losing access to County funding for its Children's Crisis Center project if it were unable to resolve the sewage connection issue. He said that CHI had considered building a septic tank to service the project, but that it would have been easier and less costly to connect the project to the City's sewage system. He said there was a "sense of urgency" that construction needed to begin on the Children's Crisis Center project.

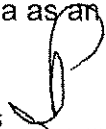
On June 24, 2013, your affiants took a sworn statement from Miami-Dade County Deputy Mayor Jack Osterholt, who also serves as director of the County's Department of Regulatory and Economic Resources (hereinafter "RER"), the agency responsible for ensuring compliance with the U.S. Clean Water Act.


Deputy Mayor Osterholt said he attended the February 21 meeting with County Mayor Gimenez and recalled the subject expressed concerns that economic development in Homestead would be brought to a standstill because of the County's failure to issue approvals to new projects as a result of the pump station.

Deputy Mayor Osterholt expressed he was under the impression the subject was acting in his official capacity as Mayor of Homestead and that, at no time, did the subject advise him or County Mayor Gimenez he was also representing a private interest. Had he done so, "he would've had to register as a lobbyist."

Deputy Mayor Osterholt said that, had the subject identified his relationship with CHI at the time he requested the meeting with Mayor Gimenez, the meeting probably would have been limited to members of the Mayor's staff. "[I]t probably would not have been put on the agenda as an emergency," Osterholt said.

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On July 3, 2013, your affiant took a statement from Miami-Dade County Mayor Carlos Gimenez. Mayor Gimenez said he assumed the subject requested the meeting in an official capacity. "He comes to me as the Mayor of Homestead, he doesn't come to me as a lobbyist from Homestead," he said. He said the subject would have been required to register as a lobbyist, had he disclosed his connection to CHI.

A sign-in log for County Mayor Gimenez's office for February 21, 2013, shows that "Steven C. Bateman" signed the log at 10:33 a.m., and under the column titled "organization represented," the subject wrote "City of Homestead." The subject also identified the person he was there to visit as "Gimenez."

The sign-in log states at the bottom of the page that Miami-Dade County Ordinance 91-22 "requires all lobbyists to register with the Clerk of the Board of County Commissioners."

On July 3, 2013, your affiant took a sworn statement from Miami-Dade County Deputy Mayor Alina Hudak, who advised she briefly attended the meeting with the subject on February 21. She said the subject raised concerns about the County's failure to grant approvals for projects dependent on the City's proposed pump station.

As a result, Deputy Mayor Hudak advised she contacted officials at the County's Water and Sewer Department (hereinafter "WASD"), and that senior WASD officials researched the matter and reported back to her that WASD could not approve the City's plans because they could, in an emergency scenario, force the County into a state of non-compliance with the Federal Consent Decree and cause the release of untreated sewage onto surface roads.

On May 23, 2013, your affiant interviewed Lee Hefty, director of the Division of Environmental Resource Management (hereinafter "DERM"), who advised DERM was unable to grant approvals for new projects in Homestead because WASD rejected plans submitted by the City of Homestead for upgrades to the pump station. He said that a state of "absolute moratorium" will remain in effect until the City gains approval of its plans from WASD engineers.

A review of electronic mail (email) correspondences between the subject and Miami-Dade County officials shows the subject expressed his displeasure to Deputy Mayor Osterholt in a March 6, 2013, email sent from his official City of Homestead email account, claiming that DERM's inability to grant approvals for new construction was fueling a rumor that Homestead is "closed for business."

In the email to Deputy Mayor Osterholt, the subject stated that, at the time of their February 21 meeting, County Mayor Gimenez was "under the impression" that future permits would not be denied to businesses with development projects

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pending the completion of the pump station. He went on to say this is not the case and that "businesses are still being denied," and that Homestead City Engineer Julio Brea "has been advised by DERM that they will not be signing off on any applications ..."

On June 27, 2013, City Engineer Brea was subpoenaed to the Office of the State Attorney. Your affiants took a statement from City Engineer Brea, who advised the subject had approached him repeatedly since late 2012 to inquire about the status of the pump station project. He said the inquiries had become increasing frequent, averaging once or twice a week about the time the subject met with Mayor Gimenez. He said the subject was becoming frustrated and impatient about the situation.

City Engineer Brea said the subject requested he draft a memorandum about the pump station in preparation for the meeting with County Mayor Gimenez. He said the memo, dated February 20, 2013, was the first and only such memo he has prepared for the subject since the subject took office in 2009. He said he felt pressured by the subject to attempt to expedite County approval, but noted that there was little, if anything, that could be done to circumvent regulators because of the consent decree.

City Engineer Brea further stated the subject told him the purpose of the February 21 meeting with County Mayor Gimenez was to "push this project along," referring to the pump station. He said the subject told him "the County was on board" as a result of the meeting and that DERM should be granting temporary approvals for developers with pending projects.

City Engineer Brea was questioned as to any other alternatives to the City of Homestead building a new pump station. City Engineer Brea said private developers could provide their own sewage treatment systems, however, it could cost as much as \$400,000 to \$500,000 for the construction of an independent sewage line.

City Engineer Brea said the subject later disclosed he was working for CHI as a construction manager, but added the subject never indicated to him that he was acting on behalf of CHI when inquiring about the pump station. He said the subject first made a reference to his employment with CHI sometime in March or April, well after the subject's meeting with County Mayor Gimenez.

City Engineer Brea said he assumed the subject was acting in his official capacity, and was not aware the subject was billing CHI for their meetings. During his sworn statement, Brea was shown copies of the subject's invoices to CHI obtained pursuant to a subpoena. Brea said he recalled several of the meetings referenced on the subject's invoices to CHI.

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Date	Entry per Bateman invoice to CHI	Hours worked	Amount billed
Feb. 4	Children's Crisis Center – Went to Homestead, met with Mr. Julio Brea, City Engineer. Discussed Dade County Derm [sic] – Waste Plan – Response. Discuss site improvements, toured site – discussed completion of Pump Station	3	\$375
Feb. 5	Children's Crisis – met w/ Julio Bea. City Homestead Eng got letters from County for Pump Station. Went to Homestead site to look at future parking, layout & future cleanup of site – MLK Homestead	2	\$250
Feb. 11	Reviewed documents for future visit from Department of Regulatory and Economic Resources	3	\$375
Feb. 19	Worked on permit processing/drawings	5	\$625
Feb. 20	Meeting with County Mayor Carlos Gimenez and Deputy Mayor Jack Osterholt re: Children's Crisis Center status and moving permit process forward in reference to sewer tie-in. Meeting with Julio Brea at City of Homestead regarding sewer tie-in. Verified sewer tie-in location	8	\$1,000
Feb. 22	Phone conference with County Deputy Mayor and City Engineer re: moving Center Project forward	6	\$750
March 1	Phone conversation with City Engineer. Phone call to Dade County Deputy Mayor. Research on completion of lift station for release of Center permit	2	\$250
TOTALS		29	\$3,625

A review of invoices submitted by the subject indicate that, during his first month of employment with CHI (February 1 to March 1), the subject invoiced CHI for 29 hours of consulting work that related to his interactions with County Mayor Gimenez and members of his staff, as well as with City Engineer Brea, who, at the subject's direction, drafted a memo regarding the pump station.

Records obtained from CHI pursuant to a subpoena reveal the invoices were approved by CHI and the subject was paid \$3,625 in connection with these interactions, and that he was also paid for attending CHI construction meetings ("facilities updates") in which he discussed his efforts to subsequently monitor and expedite the County's processing of the City's plans for the pump station.

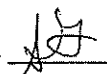
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In consideration of the foregoing, there is reason to believe that probable cause exists that the subject, Steven C. Bateman, violated F.S. 838.016 (1), "Unlawful compensation or reward for official behavior," by accepting compensation from CHI for activities which were, in fact, part of the performance of his public duties for which he was already being compensated in his official capacity as Mayor of Homestead. The subject billed and accepted compensation from CHI for his interactions with the City of Homestead Engineer and County officials, including Miami-Dade County Mayor Carlos Gimenez.

Further, there is reason to believe that probable cause exists that the subject, Steven C. Bateman violated F.S. 838.016 (2) "Unlawful compensation or reward for official behavior," by accepting compensation from CHI for the exertion of any influence upon or with any other public servant, to wit: Mayor Gimenez and the Deputy Mayors, regarding an act which was represented to CHI to be within the official discretion of the other public servant or in performance of a public duty.

The investigation found evidence the subject accepted said employment with CHI with corrupt intent in that he failed to adequately disclose his relationship to CHI to County and City of Homestead officials, including his February 21, 2013, meeting with Miami-Dade County Mayor Carlos Gimenez and members of Mayor Gimenez' senior staff and subsequent communication with Mayor Gimenez' staff.

The investigation further showed probable cause to believe the subject as a municipal official for the City of Homestead violated Sec. 2-11.1 of The Miami-Dade Conflict of Interest and Code of Ethics Ordinance. Section 2.11-1 (a) states that this section shall be applicable to all County personnel as defined herein, and shall also constitute a minimum standard of ethical conduct and behavior for all municipal officials and officers in the County.

There is reason to believe that probable cause exists that the subject Steven C. Bateman violated Section 2.11-1 subsection (g), "Prohibition on exploitation of official position prohibited"; states in applicable part that "No person included in the terms defined in Subsection (b) (1) through (6) and (b)(13) shall use or attempt to use his ... official position to secure special privileges ... for himself".

Meeting minutes obtained from CHI show that in February 2013, CHI President and CEO Col. Brodes Hartley Jr. "stopped to introduce Mr. Steve Bateman, Mayor of Homestead, to all staff present and explain his involvement in future CHI expansion projects." In essence, CHI was hiring the subject, not just as a consultant, but also as the Mayor of Homestead, and the subject acted in this capacity in furtherance of the private interests of CHI as it related to permitting matters.

The investigation revealed that the subject used his official position as Mayor of Homestead to promote the interests of CHI, his employer. On or about May 3, the subject used his City of Homestead email account to invite elected officials to

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the grand opening of CHI's new healthcare center in Coconut Grove, in the City of Miami. These included County Mayor Gimenez, Miami Mayor Tomas Regalado and state Sen. Rene Garcia. The subject stated he hoped the schedules of these elected officials would allow for a "quick visit" so that he could meet with them if they decided to attend. The subject signed the invitations as Steven C. Bateman, Mayor of Homestead. The subject did not disclose his employment with CHI.

Further there is probable cause to believe that the subject violated Sec. 2-11.1, subsection (o), "Acquiring a financial interest"; of The Miami-Dade Conflict of Interest and Code of Ethics Ordinance. Subsection O states in applicable part that No person included in the terms defined ...shall acquire a financial interest in a project, business entity or property at a time when he or she believes or has reason to believe that the said financial interest will be directly affected by his official actions or by official actions of the [Municipality] of which he is an official. As revealed by the investigation the subject was hired at a rate of \$125 per hour to oversee and manage numerous CHI construction projects, including three in Homestead – the South Dade Center, the MLK Clinica Campesina and the Children's Crisis Center. All of these Homestead construction projects required building permits from the City of Homestead. The subject acquired a financial interest in a project that is directly affected by his official actions and the actions of his agency, the City of Homestead.

Further there is probable cause to believe that the subject violated Sec. 2-11.1, subsection (s). "Lobbying." defines "Lobbyist as all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat or modifications ... (3) any action, decision or recommendations of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee. The subject informed CHI that he would be seeking to encourage County Officials; the County Mayor and /or his staff, to expedite and approve the necessary County permits for a Homestead pump station. This pump station was necessary for CHI to commence construction of their Children's Crisis Center in the City of Homestead. The subject billed CHI for these meetings and was compensated by CHI.

The subject met with the County Officials and sought to encourage the County Officials to act during the time period of the decision-making process on the approval and /or expedition of the County permits for the Homestead pump station. The subject never registered with the Clerk of the Board of County Commissioners as a lobbyist in violation of section 2-11.1(s)(2)(c) of the Ordinance.

Based upon the forgoing, your Affiant requests that an arrest warrant for Steven C. Bateman be issue for the crimes of one count of Unlawful

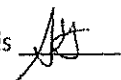
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Compensation or Reward for Official Behavior, pursuant to Florida Statute...838.016(1) and one count pursuant to 838.016(2), felonies of the second degree. Further for one count each of the violation of The Miami-Dade Conflict of Interest and Code of Ethics Ordinance for Exploitation of Official position, pursuant to Section 2.11.1 (g), Acquiring a Financial Interest 2-11.1 (o) and Unregistered Lobbying 2-11.1 (s), misdemeanors of the second degree.

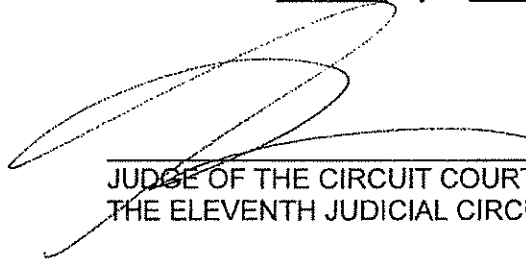


Affiant




Affiant

STATE OF FLORIDA, COUNTY OF MIAMI-DADE:
Sworn to and subscribed before me this 27th day of August, 2013.



JUDGE OF THE CIRCUIT COURT OF
THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

Affiant's Initials 

ASA's Initials 

Judge's Initials _____