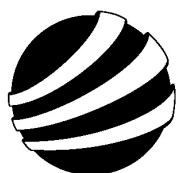


In the Matter Of:
AUDIO STATEMENTS

C20-34-09

DANIEL ESPINO

October 06, 2020



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TRANSCRIPT OF DANIEL ESPINO

IN RE: CASE No.: C20-34-09

DATE RECORDED: 10/06/2020

Job No.: J6232625

R E C O R D I N G

1
2 MS. NESMITH: Okay, we are now recording. Do you
3 consent to this recording?

4 MR. ESPINO: Yes.

5 MS. NESMITH: Okay. Would you say your name for the
6 record, and spell your last name?

7 MR. ESPINO: Daniel Alexander (ph) Espino, E-S-P-I-N-
8 O.

9 MS. NESMITH: Okay. Perfect. All-righty. Let's
10 start again. You mentioned you wanted to give us some context?
11 That would be great.

12 MR. ESPINO: Yes. So -- and I've heard of the same
13 context when Martha (ph) and, I think Amanda (ph), were
14 interviewing me about a complaint against Sarah Johnston.

15 Back in December of -- I guess this would have been
16 '19 -- the mayor had decided to make a play at firing Sarah and
17 replacing her with Jose Smith (ph) again. We had been serving -
18 - me and the firm had been serving as outside counsel
19 litigation. I don't think we had been doing labor and
20 employment just yet. But Jose Smith had left the City, had been
21 terminated by the City in July, I want to say, came to our firm
22 asking to be hired. We turned him down. I was part of that
23 committee that interviewed with him. And then he went to Brian
24 Millerala (ph). From Brian Millerala he made a play at North
25 Miami Beach, in North Bay Village. He got in trouble for

1 lobbying without registering, and so on and so forth.

2 So, the context was essentially that Sarah did not
3 have a lot of time left in the City, and we had an interest in
4 her. Ultimately, she weathered that attack, but frankly it
5 didn't seem like she was still going to be here long. So we
6 continued our conversation with Sarah, and ultimately, she was
7 able to weather that even longer. Sorry about that, somebody
8 kicked my door. Thereafter, the -- we began a conversation with
9 the commission, and I registered to lobby, and I think so did
10 Brett. And we started talking to them about the possibility of
11 outsourcing their legal ops. Which, at least as far as I am
12 aware, have never been done in the history of the city.

13 So we began a conversation, starting with the elected
14 officials that I knew. I had known the mayor for a while. I
15 also -- I had lost contact with Barbara Kramer (ph), but she and
16 I got elected around the same time and so we sort of came up
17 together a little bit. I decided to get out of the game, she
18 stayed in it. And then went on introducing ourselves to some of
19 the commissioners that we did not yet know, and one of them was
20 Commissioner Joseph.

21 So we arranged a meeting. I can't remember the date;
22 I could probably look it up in the calendar. And he agreed to a
23 meeting with Brett and me in an Italian restaurant that's
24 located in the first floor of his building, where his office is
25 located. It was pouring rain that day, and Brett had a little

1 bit of a delay getting down either from Broward or from Boca.
2 So I got there a little bit early, the restaurant is completely
3 empty. And in comes Commissioner Joseph a few minutes later.

4 You know, with respect to him, you know, he -- what I
5 have described it as is it was as if a student got called to the
6 principal's office. That was his body posture. You know, he
7 arrived. There was a lot of -- let me demonstrate. There was a
8 lot of this, a lot of pockets, leaning back. And waiting for --
9 you know, we had to wait about 10 minutes, and during that 10
10 minutes for Brett to arrive, we started chatting a little bit.

11 I introduced myself, and he was very dismissive and
12 saying, you know, "I've got to give it up to you guys. You guys
13 really worked something. Sarah really worked this up really,
14 really well. I've got to give it up to you guys." And I just
15 said, "Listen, Commissioner, I don't know what you're talking
16 about. You know, Sarah is essentially indicating that she, you
17 know, doesn't even know what she wants to do with her future.
18 This is an -- we're representing the City."

19 And at any rate, the tone of the conversation started
20 off hostile, where this was essentially like a scheme we had
21 cooked up. And at that time, really, I can honestly tell you
22 that we had no idea that the Commission was even going to be
23 willing to do this. And as Jose can attest, having gone to some
24 of these 1:00 a.m. meetings, that there was still a long way
25 from the conversation where we started and where we ended up.

1 So, I want to say that conversation happened in like March or
2 April.

3 But we had several commission meetings in July that
4 went to a full solicitation, and then we weren't ultimately
5 picked until much later. Until, I think, February of this year.
6 And we didn't start until March. So, to give you a timeframe of
7 how long this process took to even broach the subject with them.
8 So, anyway, as we're talking to him in the 10 minutes before
9 Brett arrives --

10 MS. NESMITH: Let me slow you down a little bit,
11 because you've given me four different months now. We're going
12 back to December 2019, right? In the Italian restaurant?

13 MR. ESPINO: Yes.

14 MS. NESMITH: Okay.

15 MR. ESPINO: No, that's -- December passed. This is
16 more like in the February or March of 2019.

17 MS. NESMITH: Okay. Okay.

18 MR. ESPINO: Yeah, so -- yeah, yeah. So it's 2018 the
19 mayor makes a play, and then the conversations about us start in
20 2019. We don't actually get appointed until '20, and then we
21 get appointed right before COVID.

22 MS. NESMITH: Okay.

23 MR. ESPINO: And so this is an attenuated process.

24 MS. NESMITH: Right. Okay. So February 2019 is the
25 Italian restaurant?

1 MR. ESPINO: Correct. February or March. I'll get
2 you the date, exactly.

3 MS. NESMITH: Okay. Perfect.

4 MR. ESPINO: It should be in my calendar somewhere.
5 So, in the 10 minutes before Brett arrives, you know, the
6 conversation is about these little snide comments. I was --
7 honestly, I've never -- I've dealt with a lot of elected
8 officials. I've never dealt with somebody giving me that kind
9 of attitude, simply since I didn't know.

10 And I said, "Commissioner Joseph, with due respect, we
11 don't have to have this meeting. We wanted to have a meeting to
12 introduce ourselves, but if this is uncomfortable to you, if you
13 find our disposition inappropriate somehow, we'll stop the
14 meeting and you can go on your way." And he's, "No, no, it's
15 fine. We'll have the meeting. We'll have the meeting."

16 So he arrives, and Brett having had a relationship
17 with them -- because by that time he had done some outside labor
18 work for the City -- began talking and said, "Listen, we have an
19 opportunity here. We think this could be a way to have a
20 seamless transition from an in-house firm, and in-house attorney
21 to an outsourced firm since we represent the City in a number of
22 different ways. You know, we do some labor, we do some
23 litigation. And we could even do it on an interim basis while
24 you do a formal procurement. We did that in North Bay Village."
25 And I explained how that process went. And so on and so forth.

1 And as the conversation kind of droned on, and he
2 expressed some concerns, and he also saw some -- he had some
3 questions about Sarah. And at some point -- and most of the
4 conversation, as I mentioned, he leaned back and was talking
5 like this. I talk about his posture so much because it was
6 important to me to see the shift in his posture when he raised
7 up this other issue that he brought up to me.

8 And all of a sudden, he leans forward, he puts his
9 hands like this -- palms to each other, thumbs up -- and says,
10 "Look, I'd be willing to consider you guys for city attorney if
11 you're willing to reconsider the opinion about term limits for
12 the mayor." And at that moment the first thought that came to
13 my mind was -- first of all, everything kind of slowed down, if
14 that makes sense. Everything kind of slowed down and I'm like,
15 okay. He just said that to us. Right?

16 And I -- at that moment, my first -- my second thought
17 besides I can't believe he just said that, was I don't know if
18 he knows that the opinion came from us. Because the opinion
19 about terms limits was issued by Robert Meyers (ph). Sarah had
20 asked an outside opinion from Robert. I think, obviously, to
21 put an expert face behind it but also to create a degree of
22 separation given the friction that had occurred between Michael
23 Joseph and Sarah. The now, I think, well-documented friction.

24 So, the second thing -- the third thing I thought was,
25 well, no. You know? I mean, no. And I just said, "You know,

1 Commissioner, we are aware of the opinion and we intend -- and
2 we are in agreement with it." And then as soon as that
3 happened, I think Brett made a comment to transition from that
4 to something else to try and avoid drilling down on that issue.
5 And that was it. That was it.

6 Then from there I had -- I remember telling Sarah the
7 conversation, and she immediately told me, "Well, that's what he
8 does. He's asked me for similar essentially quid pro quo
9 circumstances," and she can tell you more about that. And she's
10 like, "And you should let Esmond know, because he's done that to
11 Esmond, too." And I was like, okay, great. Well, I mean, at
12 that point I'm sort of second-guessing whether we want to
13 represent NMB at all, in all honesty. Because, you know, it's -
14 - I've representing cities where there's challenging elected
15 officials. I like to think that we, as a firm, have a
16 stabilizing presence in cities. But it seems like this place is
17 a different animal, and it's proven out to be that way so far.

18 But in any case, we moved forward and our
19 conversations continued, and by the time they issued the cone of
20 silence, the solicitation, we took a step back. We let that
21 process run it's way through. This -- the following is going to
22 be hearsay, and that's why I don't anticipate you guys to rely
23 on it, but what I heard through the grapevine is that the
24 request he made of us, that essentially was the going rate for
25 his vote.

1 And other attorneys that were putting in for that
2 solicitation -- one of which included, I think, a joint venture
3 or some kind of partnership between Geenspoon Marter (ph) and
4 Lye Decrediaz (ph) -- that question was posed as well to them.
5 Again, I can't speak for that, but that's the feedback I got
6 through the grapevine. I don't know that anybody agreed to
7 revise that opinion, but -- and no revision of that opinion was
8 ever prepared.

9 So, to the context of -- frankly, I have no problem
10 getting second, third, fourth, fifth opinions about anything
11 that our firm prepares. Robert Meyers being the expert that his
12 is and notwithstanding. It's certainly to me the friction point
13 was the very clear message the only way you'll have a shot is if
14 you're willing to take this position because I want to run for
15 mayor. And I don't want to have to run against the mayor. And
16 that was clear to me. And, you know, and Brett and I even
17 talked about it afterwards. Like, I can't believe he asked us
18 that.

19 At some point I want to say either in a conversation
20 with Sarah and Barbara Kramer (ph) -- or just in a conversation
21 with Barbara Kramer, I can't remember at this point -- the
22 interaction with -- or some version of that story was told to
23 Commissioner Kramer. I think after that it became a game of
24 telephone. Where from Kramer it went to Stephanie Kinsol (ph),
25 Stephanie Kinsol went to the Mayor, and then it sort of got out

1 everywhere. And I think that that was the impetus behind the
2 ill-fated Michael Pisby (ph) complaint. And then this sort of
3 bubbled up again because the Mayor essentially called me,
4 questioning whether or not that interaction actually happened.
5 Or whether I was, you know, lying to him.

6 And I just said, "Mayor, I have no reason to lie to
7 you about it, and I can -- and I -- and I have a pretty good
8 memory, and I can tell you exactly how it happened." And I
9 said, "I did tell -- when I was questioned in my office about
10 Sarah and quid pro quo, or conflicts of interest, those
11 complaints about her, I did relay that information. That same
12 story I just told you." You know, when Martha said, you know,
13 "With due respect, I have to ask you, was there any quid pro quo
14 with Sarah?" I said, "Absolutely not. And, as a matter of
15 fact, if there was quid pro quo it was with Michael Joseph."

16 I mean, because, again, we did everything so -- you
17 know, to our detriment, I think. Even though we ended up in the
18 seat anyway, but to our detriment we did everything so
19 transparent and so above-board, that frankly it stretched out
20 the process and made -- you know, over the course of a year.
21 You know? Whereas, I think if we would have used some of the
22 subverted tactics that others were using, you know, we probably
23 would have gotten the post anyway but much quicker. And with a
24 lot less heartaches and none of those 1:00 a.m. meetings that
25 Jose and I sat through. Along with Brett.

1 So, I was upset that there was that allegation made at
2 -- from Sarah. And I told Martha (inaudible) in the office.
3 And ultimately when -- I understand the opinion that was
4 rendered, but then the Mayor didn't understand that opinion that
5 was rendered, because -- and so he questioned me. And I said,
6 "Listen, I wasn't questioned." That's when I called Mike and
7 said, "Mike, listen, I -- you know, I'm getting flack because
8 people think I didn't speak about these issues." And then
9 Michael said, "Listen, the question was framed whether or not
10 second opinions are appropriate to be obtained." And I said,
11 "Oh, absolutely. That -- second opinions are fine, but here's
12 the context."

13 And ultimately, I think that when I relayed that
14 information to the Mayor that in that inquiry and that
15 investigation I hadn't been questioned, he -- that's how I think
16 the impetus behind Stephanie Kinzol, you know, basically running
17 with this and resubmitting a complaint. For the record, it was
18 not -- I did not put the mayor up to that. I also did -- I've
19 never spoken to Stephanie Kinzol. I mean, I've read her stuff
20 from time to time, but I haven't spoken to her.

21 But I did speak to the Mayor about what I understood
22 the prior investigation to be, because I certainly didn't want
23 to have my integrity questioned about what I did or did not say
24 to the ethics commission about this matter. Which I'll be able
25 now to clear up and say at some point that I did speak to you

1 guys about this.

2 MS. NESMITH: Okay. The last part of that was
3 confusing to me, because I wasn't in on a bunch of these
4 conversations in the past.

5 MR. ESPINO: Right.

6 MS. NESMITH: Because I'm kind of brand new on this
7 situation. So, let's back up a little bit.

8 MR. ESPINO: Yeah.

9 MS. NESMITH: When Martha and Milda (ph) were
10 interviewing you over allegations that Sarah Johnston had some
11 sort of quid pro quo.

12 MR. ESPINO: Yes.

13 MS. NESMITH: You told them that -- you recall telling
14 them, "No, but there was one with Michael Joseph."

15 MR. ESPINO: A hundred percent. Unequivocally. And I
16 know Mike took out the notes, and they may not have taken down
17 the notes, but unequivocally my comment was -- you know, Martha
18 said, "You know, I have to ask you this question. With due
19 respect, was there any quid pro quo with Sarah Johnston?" And I
20 said, "Absolutely not. I provided -- " I go, "Please
21 understand that -- "

22 When I answered the question, I go -- I gave her the
23 same context I gave you guys. "Understand that when we began a
24 conversation with Sarah about joining our firm, there was no
25 thought that we would ever be able to be city attorney in North

1 Miami Beach." They had always had an in-house city attorney.
2 And it wasn't until 2016 that a charter change even made it
3 permissible for an outside firm to be city attorney.

4 So the idea that we were going to have a sudden change
5 in a culture was not something that we thought was a realistic
6 play. What we were going for, number one, was Sarah because we
7 thought she was going to be fired. And so, it's -- I use the
8 analogy of, you know, Men in Black. When Tommy Lee Jones goes
9 after Will Smith. If you can chase down an alien on foot, I
10 want you part of Men in Black. Well, if Heidi Sarah can handle
11 Michael Pizzi (ph) -- you know. If Sarah Johnston can handle
12 North Miami Beach as city attorney, there are soft skills that
13 cannot be taught other than through those grueling trials and we
14 think we'll have a need for you. Or we have a home for you.

15 So, that was the context of approaching Sarah. And
16 then, obviously, if we could maintain, once Sarah leaves, some
17 of the work that we had that's fine, too. And at that time I
18 wasn't doing any -- it was litigation. It wasn't until later
19 that I got brought on as (inaudible) counsel.

20 So in any case, I gave Martha and Milda that context.
21 And then I said, "But if you want to talk about quid pro quo,
22 here's what I experienced." Unequivocally, unabashed. Didn't
23 know me. You know, I mean, never met me in my life. Here is
24 what he said. You know? And I even did the posture thing and
25 the hands like this. You know? If -- that if I was willing to

1 reconsider the memo or the position on term limits, he'd be
2 willing to consider us.

3 They looked at each other like -- they -- you know, if I
4 can prejudge their disposition it was almost like not surprising
5 that that came from Michael Joseph. And there was no other
6 further conversation about it. And I left it there. I really,
7 I didn't pursue it. You know? I left it exactly there.

8 MS. NESMITH: Okay.

9 MR. MURAWSKI: So let me ask you again. Just to be
10 100 percent clear. Mr. Joseph's words, the best that you can
11 recall them, were if you're willing to reconsider the opinion
12 then I'm willing to consider your firm. Something like that?

13 MR. ESPINO: Yeah. Yeah, he said, "If you're willing
14 to reconsider your position on the mayor's term limits, I'm
15 willing to consider your firm."

16 MR. MURAWSKI: Okay.

17 MR. ESPINO: That was the statement.

18 MR. MURAWSKI: You also used some language that --
19 when you were just speaking to us a while ago, you said
20 something about you'll only have a shot -- or he didn't use
21 those words, did he? Did he say to you, "Listen, you guys will
22 only have a shot if you change that opinion," or something like
23 that? Were those his words? Or your words?

24 MR. ESPINO: No, those were my words. I don't
25 remember him saying anything like that.

1 MR. MURAWSKI: Okay. Okay.

2 MR. ESPINO: There were some -- this gets really
3 dicey, because it's hard. You only understand what he was
4 saying if you understand the things that are going in the
5 background. At the beginning of the conversation he said to us
6 that he was aware that we had spoken -- and by that time -- by
7 the time we spoke to him, he might have been the last one.

8 We had already spoken to Commissioner Thormon (ph) and
9 Commissioner Valari (ph). And at the beginning of the
10 conversations he said, essentially, you know, I'm aware you've
11 met with them, and I'm aware what you have discussed with them.
12 And I was like, okay. Great. I mean, this is yet another --
13 you know. And so rumors abound about their communication, not
14 that that's an allegation. I'm just saying that that's sort of
15 -- those are some of the talking points that became the
16 foundation of that conversation.

17 MR. MURAWSKI: So after that conversation in the
18 Italian restaurant, did you guys have any subsequent like sort
19 of one-on-one meetings before you ended up winning the bid?

20 MR. ESPINO: I'll tell you, we did not have -- I don't
21 think that we had any more one-on-one meetings. I can tell you
22 that there were conversations prior to the issuance of the RFP.
23 Once the RFP was issued, we completely, completely hands off.
24 We -- you know, there were -- we were aware that there were
25 people that were looking to see -- first of all, there's a cone

1 of silence in place, and we have to defend that in our regular
2 post as city attorney. So we're certainly not going to do
3 anything to violate that, first and foremost. Secondly, there
4 were people out there with binoculars trying to catch us in
5 anything to use against us. And so we played it exactly by the
6 numbers. The way we would do -- the same thing as city
7 attorney. And -- and so there were subsequent --

8 MS. NESMITH: Okay. Let me stop you for --

9 MR. ESPINO: Yeah?

10 MS. NESMITH: You're saying this in a way that's going
11 to make it hard for me to put it in a report that makes sense.
12 You say there were conversations? Before -- [overlapping
13 conversation]

14 MR. ESPINO: We had conversations with elected
15 officials by phone prior to the issuance of the cone -- of the
16 RFP. And prior to the imposition of the cone of silence.

17 MS. NESMITH: Okay.

18 BY MR. MURAWSKI:

19 MR. MURAWSKI: Any further conversations with Michael
20 Joseph?

21 MR. ESPINO: I got to tell you, I -- if there were, it
22 might have been Brett. I didn't.

23 MR. MURAWSKI: Okay.

24 MS. NESMITH: Okay.

25 MR. ESPINO: I didn't. I'll be candid, I found the

1 conversation very uncomfortable. And, frankly, my thought was -
2 - and then the other context to that is he wanted Stephen Hunder
3 Johnson (ph). Steven Hunder Johnson, which I believe is the
4 attorney he sought the "other opinion" from, was the one
5 partnering up with Joe Geller (ph) and that's who he wanted.

6 And so the question was, you know, where are my votes.
7 And my votes aren't going to be -- you know, I'm not going to
8 bark up that tree. It's not -- it's a waste of my time. And
9 plus, it also made me very uncomfortable. I didn't -- that was
10 already one too many conversations with him, and I did not want
11 to be in a further position where he was going to seek to
12 compromise himself.

13 MR. MURAWSKI: Did he ultimately end up voting for you
14 guys?

15 MR. ESPINO: So, there were two votes. There was a
16 vote to appoint and then a vote on the contract. The vote on
17 the contract was unanimous. I can't remember the vote right now
18 on the award, if you will. We were ranked number one. I can
19 get you that information in terms of the rankings. You know,
20 but after we were appointed he had some feedback about --
21 something like our land development cost recovery rate.

22 So essentially when we're doing -- when we're
23 reviewing at city attorney private land use applications the
24 city has a cost recovery fee. So the charge -- the cost that's
25 incurred from, you know, hard costs in terms of notices but also

1 hard costs associated with like plans review, design review, and
2 legal review, are assessed to the applicants. We have proffered
3 a rate of \$425.00 an hour. He asked us to reconsider that.
4 When we came back with the contract we did, we came back at
5 \$395.00 an hour and he appreciated that before he voted on the
6 contract in favor.

7 MS. NESMITH: Okay. And I think you and Mike may
8 have talked, I'm not sure, that Martha and Milda don't remember
9 you telling them about this?

10 MR. ESPINO: Yes, I know. And I just said, I
11 mean, I -- it was surprising that, you know, they didn't even
12 like jot it on the margin, or -- you know. I mean, just look.
13 From my position is, you know, you -- you know, I hold my firm
14 in high regard, and I think we do good work, credible work.
15 And, you know, to hear one of our attorneys -- me -- saying
16 essentially a sitting commissioner asked me, you know, to give
17 him something in exchange for his vote, and -- I'm not saying
18 that that constituted a complaint.

19 I don't know if they exercised discretion. I'm
20 not -- you know, but the fact that there wasn't even like
21 something on the margin or even a recollection, they
22 disappointed in me. But, again, I can tell you where they were
23 sitting in my office. And I've already explained to you the
24 context and how that conversation came up.

25 And I also remember it clearly because this is

1 difficult. Right? I mean, here we weren't yet -- I don't think
2 we -- I don't know if we had yet been appointed then, but if we
3 had been appointed and it's just as difficult as it is now,
4 where I'm essentially taking the statement against a sitting
5 commissioner who, from my understanding, is likely to win re-
6 election.

7 I know what it's like from stories that Sarah advised
8 what it's like to have an acrimonious relationship with Michael
9 Joseph, as she had. So this is difficult for me. And the
10 conversation initially with Michael Joseph was shocking, and
11 then revealing that conversation to Martha and Milda was
12 difficult. As -- just as this one is.

13 MS. NESMITH: Okay. Tell me a little bit about
14 your acrimonious relationship with Michael Joseph. Have things
15 --

16 MR. ESPINO: No.

17 MS. NESMITH: -- happened since then?

18 MR. ESPINO: No, no. Not -- I don't have one.
19 Sarah did. And despite Sarah being with the firm in our Tampa
20 office, she doesn't have any direct contact with the elected
21 officials. And so Michael Joseph calls me from time to time,
22 requesting certain things. You know, we still enjoy an attorney
23 client privilege, so I don't feel like divulging those at this
24 time, but to the extent that he -- I put things in writing. He
25 did request, and I did -- we did, Robert and I, furnish an

1 opinion about his opponent being able to run against him.

2 His opponent is an employee of Jacobs Engineering,
3 which is formally CH Shomhill (ph), which is operating up until
4 February or sooner of next year the city's water plant. And so
5 the opinion that we wrote was essentially that he is the
6 employee of a contractor of the City and we have no authority to
7 compel Jacobs to either ask him not to run for office or to
8 require him to quit his job upon qualifying, or upon being
9 elected should that happen.

10 MS. NESMITH: Okay.

11 MR. ESPINO: So, all I'm saying is that there's -
12 - you know. There's a decisive pattern of trying to clear the
13 road for himself. And then he came back and clarified his
14 position and asked me to clarify the memorandum insofar as just
15 wanting a clear understanding of where the line of enforcing our
16 code ends or where it begins for individuals that have a
17 relationship with the city and their ability to run for public
18 office.

19 MS. NESMITH: Okay. But I want to make sure that
20 our record is really clear. Do you feel like you have a
21 contentious or acrimonious relationship with Mr. Joseph?

22 MR. ESPINO: No. As a matter of fact, I think he
23 -- and he might call the clerk more than he calls me, but he
24 calls me more than he calls the manager. I think he's got an
25 acrimonious relationship with the manager.

1 And so he'll call me like once every two weeks. It's
2 usually very fact-specific, or with a legal question. He's
3 called me about the legal purview of the special taxing
4 district. He's called me about a variety of issues. You know,
5 political signs have been a topic du jour, as you can imagine.
6 I'd imagine everywhere. And I can only imagine you guys must
7 get bombarded with legal sign complaints. You know --

8 MS. NESMITH: These days it's food distribution.

9 MR. ESPINO: Oh, okay. Yeah. That makes sense.

10 MS. NESMITH: It's a COVID thing.

11 MR. ESPINO: That makes sense. Yeah, no. For me
12 it's political signs. So, and then it's always a challenge
13 where you have cities that haven't updated their code to match
14 Supreme Court decisions about signage, and then all of a sudden
15 they come and say, "Well, we want -- " You know, "We want to do
16 this." Well, your code's unconstitutional so let's figure
17 something out. So that's what we've been doing lately.

18 MS. NESMITH: Okay. Mike, do you have any other
19 questions?

20 MR. MURAWSKI: I don't think so, no.

21 MR. MURAWSKI: Okay.

22 MR. ESPINO: Okay. Like I said, Brett --

23 MS. NESMITH: In terms of things --

24 MR. ESPINO: Go ahead.

25 MS. NESMITH: Well, you were going to get us some

1 things in terms of timing of meetings.

2 MR. ESPINO: Okay.

3 MS. NESMITH: The Italian restaurant meeting?
4 And if you could get me the meeting where the vote to appoint
5 you happened, just the date of it, and the meeting where the
6 vote on your contract happened. The date of that. I assume
7 North Miami Beach has their meetings online? Never mind, I know
8 they do. I've watched them.

9 MR. ESPINO: Oh, sorry. Yes, they do.

10 MS. NESMITH: And I want to look back real
11 quickly at my notes and see if there's anything else that -- I
12 think those are the things that I need. And Sarah Johnston is
13 working for you?

14 MR. ESPINO: She is of counsel to us, located in
15 our, you know, emerging Tampa office. You know.

16 MS. NESMITH: Okay. I'm probably going to need
17 to set up one of these with her, too.

18 MR. ESPINO: Yeah. I imagine you also want to
19 talk to Brett, because Brett was in the meeting with us when the
20 conversation happened. Like I said, he was about 10 minutes
21 late because of weather, but --

22 MS. NESMITH: Yes, I do want to set up something
23 with Brett. He's in your office there, or no? He's up in Boca,
24 right?

25 MR. ESPINO: Yeah, he's in Boca. Actually, I'm

1 in NMB right now, but yeah.

2 MS. NESMITH: Oh.

3 MR. ESPINO: He's in the Boca office.

4 MS. NESMITH: Okay. Funny how none of that
5 matters anymore, since it's all going to be Zoom.

6 MR. ESPINO: I know. Unfortunately --
7 unfortunately, we've got until the end of this month and then
8 the governor's order ends and making us go back to real-life
9 meetings. But I'm just getting the hang of these. I don't
10 know, I was just talking to (Inaudible) attorney. I have a
11 feeling the Zoom is here to stay. We might need some kind of
12 hybrid, where physical core is kept and those commissioners that
13 feel like they're susceptible may be able to participate
14 remotely. I have a feeling we'll see a bill or two providing
15 this as an option going forward.

16 MS. NESMITH: Yeah. Doesn't --

17 MR. ESPINO: Next -- [overlapping conversation] -
18 - session.

19 MS. NESMITH: Doesn't North Miami Beach have a
20 specific ordinance about physical presence?

21 MR. ESPINO: They do. They do. They have a --
22 their physical core requirement is super majority, so it's five
23 out of the seven, which has led to challenges in the past when
24 there was vacancies and medical absences. And I'm sure you guys
25 saw some of that, too.

1 MS. NESMITH: Yeah. No, I was --

2 MR. ESPINO: [overlapping conversation].

3 MS. NESMITH: -- thinking that you couldn't
4 remain on the commission if you went a certain period of time
5 without coming physically to a meeting.

6 MR. ESPINO: Yes. That was -- well, that was the
7 -- I think that was the determination of the former city
8 attorney, who decided to, you know, laterally remove a
9 commissioner from his position.

10 MS. NESMITH: Right. Mr. Pierre. Yes.

11 MR. ESPINO: Yeah.

12 MS. NESMITH: I was at one of those meetings,
13 actually. I actually served a subpoena on a guy at one of your
14 meetings, after he went up to speak.

15 MR. ESPINO: Well, at least you knew where he
16 was.

17 MS. NESMITH: I didn't know where he was.

18 MR. ESPINO: And if it's anything like our
19 meetings, he's going to be there for a very, very long time.
20 Yeah. So -- yeah.

21 MS. NESMITH: It was kind of crazy, okay. Did
22 you talk to anybody else about the Italian restaurant meeting
23 and Mr. Joseph's --

24 MR. ESPINO: I told Barbara, Tony, Esmond, Sarah.

25 MS. NESMITH: Esmond. Who's Esmond?

1 MR. ESPINO: I'm sorry, the city manager. Esmond
2 Scott.

3 MS. NESMITH: Okay. When did you --

4 MR. ESPINO: Yeah, it --

5 MS. NESMITH: -- tell that -- tell Esmond Scott?

6 MR. ESPINO: I don't know. So, I want to say --
7 it was in his office. I want to say it was post-appointment. I
8 mean, I had some relationship with -- I had a relationship with
9 Esmond before, but, you know, we started to build it after we
10 got appointed. And I -- it was in one of those conversations
11 where I think he revealed to me certain occasions I think he had
12 with Michael Joseph. And I said, you know, in short order, I've
13 had my own. So, we sort of compared cards a little bit.

14 MS. NESMITH: Okay. But this would have been
15 months ago, weeks ago, yesterday?

16 MR. ESPINO: I'll be honest with you; I sort of
17 lost all track of time after COVID. But it would have been
18 probably -- it was in his office, so it would have been around
19 March, or something to that effect. Because it was before we
20 all scattered and went remote. My girlfriend was pregnant, we
21 gave birth in August.

22 MS. NESMITH: Oh, congratulations.

23 MR. ESPINO: So we -- thank you. Thank you. We
24 took isolation very seriously, and I did not come to the office
25 from March until -- Jesus, I guess until the kids went back to

1 school. Like September 9th, or something to that effect.

2 MS. NESMITH: Wow. Okay.

3 MR. ESPINO: So it must have been -- the
4 conversation must have had February -- and despite that, I still
5 got COVID. So.

6 MS. NESMITH: Oh, God.

7 MR. MURAWSKI: Your girlfriend was pregnant?

8 MR. ESPINO: Yeah. Yeah. We just had a baby boy
9 August 13th.

10 MR. MURAWSKI: Okay. Didn't you used to have a
11 wife?

12 MR. ESPINO: Yeah, I used to. But, you know, a
13 few years back.

14 MR. MURAWSKI: Got you.

15 MS. NESMITH: Mike.

16 MR. ESPINO: I've got a couple of kids from her,
17 too. We're just collecting.

18 MR. MURAWSKI: I got it, okay. All right.

19 MS. NESMITH: Geez, Mike, you used to have a
20 wife, too. I used to have a different husband.

21 MR. MURAWSKI: Dan is much younger than me, so I
22 thought he could hold out a little bit longer.

23 MR. ESPINO: Yeah. Yeah, no. I started young.
24 So, yeah, it must have been around March I want to say.

25 MS. NESMITH: Okay.

1 MR. ESPINO: Those conversations.

2 MS. NESMITH: All-righty. Again, Mike, can you
3 think of anything else you want to say? Or talk -- ask?

4 MR. MURAWSKI: So, I mean, just after that one
5 time that he mentioned this at the meeting, it just -- it never
6 came up again?

7 MR. ESPINO: No. No. What -- it never came up
8 again, but what we heard in the background was just him working
9 feverishly to try and give the contract to Geller and to Steven
10 Hunder Johnson. So, I think -- you've got to double-check with
11 Brett, like, whether or not he did anymore outreach. I don't
12 have a recollection of connecting with Michael again until after
13 -- because as a matter of fact, even at the beginning of the
14 meetings when I would come up and say hello to the commission.

15 You know, like I said, the meeting in July, or even
16 when we were talking about the appointments later on, I went up
17 to him and tried to shake his hand and he'd be like, "Oh, okay,
18 yeah. Thanks. Okay." That's what I would get from him. So,
19 you know, I braced -- Susannah, to go back to our term -- I did
20 brace for an acrimonious relationship with him after being
21 appointed. You know, call it COVID, call it physical
22 separation, whatever, it hasn't been that.

23 MS. NESMITH: Okay. Okay. I think that's what
24 we need. Right, Mike? Did I miss anything?

25 MR. MURAWSKI: I think that'll do for now.

1 MR. ESPINO: Okay.

2 MS. NESMITH: Okay. We'll start setting up the
3 meeting with -- you can tell Brett to expect a call from me.

4 MR. ESPINO: You got it.

5 MS. NESMITH: Or I may just -- I'll just start
6 with e-mails to get this set up. Sarah as well.

7 MR. ESPINO: Okay, will do.

8 MS. NESMITH: All-righty?

9 MR. ESPINO: Okay, you guys. I really appreciate
10 the time, thanks.

11 MS. NESMITH: Thank you.

12 MR. ESPINO: You got it. Bye-bye.

13 (Recording ends.)

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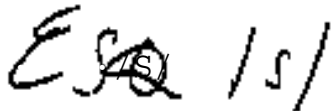
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