



OFFICE OF THE COMMISSION AUDITOR

MEMORANDUM

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

FROM: Adeyinka Majekodunmi, CPA
Commission Auditor

A handwritten signature in blue ink, appearing to read "Adeyinka Majekodunmi", with a large blue scribble underneath.

DATE: July 3, 2024

SUBJECT: **Resolution Approving Development Lease Agreement Between the County and Ocean Aviation TMB, LLC ("Ocean Aviation") with a Term of 40 Years with One Five Year Renewal Option; Requiring Reliance to Invest No Less than \$67,200,000.00 into Development of Aviation and Ancillary Facilities; Authorizing the Cost Reimbursement for One-Half of Construction Costs for a 32,000 Square Foot Common-Use Ramp Estimated to Total \$211,200.00; Authorizing the County Mayor or County Mayor's Designee to Execute Such Development Lease Agreement and All Rights Contained Therein, Including the Termination Provisions; and Directing the County Mayor or County Mayor's Designee to Provide the Development Lease Agreement to the County Property Appraiser in Accordance with Resolution No. R-791-14**

Pursuant to [Resolution No. R-129-22](#), adopted on February 1, 2022, and the new requirements per Implementing Order (I.O.) 8-4, the Office of the Commission Auditor (OCA) is directed to independently and simultaneously review and comment on the proposed leasing and conveyance of County property prior to the submission of an agenda item to the Board of County Commissioners (BCC). The OCA is providing this report as a Supplement to the BCC Agenda File Item No. 241180.

Commission Auditor's Observations:

The OCA completed a comprehensive review of the intended recipient of the lease agreement, "Ocean Aviation TMB, LLC". This review extended to the lease recipient's principal, contractor, and architect. The results yielded the following:

- A. Background research performed on "Ocean Aviation TMB, LLC" and the lease recipient's contractor and architect yielded no material findings.
- B. Background research performed on James Reiher, principal of "Ocean Aviation TMB, LLC," disclosed two judgments for which no release was found. Details below:

- i. Civil Judgment Suffolk County Supreme Court - Riverhead: Index Number: 18-623819; Company Name: Kandell, Farnworth & Pubins CPA's P.C.; Filing Date: February 21, 2019; In the amount of \$46,364.47, which includes fees and interest.
 - ii. Civil Judgment Suffolk County Supreme Court - Riverhead: Index Number: 14-10125; Company Name: Foster, Riyaz & Howard P.C.; Filing Date: March 17, 2016; In the amount of \$5,817.49, which includes fees and interest.
- C. "Ocean Aviation TMB, LLC," the entity's principal, contractor, and architect, were not previously leased or conveyed County properties for Infill, Affordable, or Workforce Housing, as authorized through BCC resolution.

Scope of Review:

The OCA's review of the subject lease agreement is based on information provided by the Miami-Dade County Aviation Department (MDAD), which includes the documents listed under the *Source Documents* section below.

As part of OCA's due diligence procedures, OCA identifies all entities and persons having a disclosed or observed interest in the BCC approval of the lease.

Methodology:

OCA's review of the entity listed included the following procedures:

- A. A review of Board-approved conveyances to external parties for Infill, Affordable, and Workforce Housing as authorized through BCC resolution.
- B. A review of privately owned properties developed under the Miami-Dade County Infill Housing Program.
- C. A search of the Miami-Dade Property Appraiser's records to ascertain any evidence of risk factors, including entities with a history of previously conveyed or leased County-owned property that was later the subject of an involuntary reverter or lease termination by the County.
- D. A search of the Miami-Dade County Commission Legislation and Miami-Dade Clerk of the Courts (COC) database for previous leases and sales.
- E. A search of Miami-Dade County internal procurement applications and past County contracts for the recipient and principals.
- F. Background research into corporate records, business affiliations, and registrations.

Source Documents:

The documents listed below were used during our review:

1. March 27, 2024, Ownership Disclosure Affidavit, *Ocean Aviation TMB, LLC*

Exhibit 1: Ocean Aviation TMB, LLC Principal, Contractor and Architect

	Entity/Individual Name	Relation to Ocean Aviation TMB, LLC
1	James Reiher	Principal
2	Lemartec Corporation	Contractor
3	Arquitectonica International Corporation	Architect

This report will be placed on the corresponding BCC meeting agenda. Should you have any questions or need additional information, please contact me at (305) 375-4354.

cc: Honorable Mayor Daniella Levine Cava
Geri Bonzon-Keenan, County Attorney
Gerald K. Sanchez, First Assistant County Attorney
Jess McCarty, Executive Assistant County Attorney
Carladenise Edwards, Chief Administrative Officer
Jimmy Morales, Chief Operations Officer
Cathy Burgos, Chief Community Services Officer
Felix Jimenez, Inspector General, Office of the Inspector General
Ofelia Tamayo, Director, Audit and Management Services
Basia Pruna, Director, Clerk of the Board
Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
Ralph Cutié, Director and Chief Executive Officer, Aviation Department
Eugene Love, Agenda Coordinator
OCA Staff