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JURY CONVICTS EX-COMMISSIONER

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Former Hollywood Commissioner Keith Wasserstrom could get prison time and lose his license to practice law if his conviction stands on appeal.

Article Text:

Suspended Hollywood Commissioner Keith Wasserstrom never made a penny off a sludge-processing deal he helped orchestrate in 2004.

He publicly announced his involvement in the deal, which netted Schwing Bioset an \$18 million city contract.

But a jury Wednesday decided Wasserstrom didn't tell the whole truth about his work to help Schwing best the competition.

Wasserstrom, 40, was convicted Wednesday of two felony charges of official misconduct for violating the state's conflict of interest laws.

He is the second elected official to be convicted of a felony this month in Broward, following Sheriff Ken Jenne, who resigned last week and pleaded guilty to tax evasion and mail fraud. Judge Joel Lazarus set Wasserstrom's sentencing for Nov. 2. As he is a first offender, he could get probation, up to five years in prison and a \$5,000 fine for each of the two counts, said Ron Ishoy, spokesman for the Broward state attorney's office.

If the conviction stands, Wasserstrom, a lawyer, could be disbarred.

Wasserstrom plans to appeal, said defense attorney Milton Hirsch.

"There were five counts to begin with, and we won on three of them," Hirsch said. "This was simply Round 1. I think we got as much as we could ask for at this point. There is a long way to go before anyone can say it's over."

Jurors found Wasserstrom not guilty of misleading Hollywood Mayor Mara Giulianti into giving false information on conflict of interest forms she filed on the same issue. At the time, Giulianti's son, Stacey, was Wasserstrom's law partner.

The mayor and Wasserstrom abstained from voting on the Schwing deal. She was not charged in the case.

The most serious charge against Wasserstrom -- unlawful compensation -- was thrown out Monday for a lack of evidence.

Prosecutors wouldn't comment on the verdict.

During five days of testimony, they documented Wasserstrom's intricate scheme to help Schwing and lay the groundwork to line his own pockets later by selling other cities on the firm's environmentally friendly sludge treatment process. The six jurors saw a series of e-mails from Wasserstrom to Schwing lobbyists in which they discussed contract terms, strategies for lobbying

other city commissioners and efforts to get friends to file false complaints about bad smells coming from nearby sewage plants.

Jurors deliberated for about six hours over two days before reaching a verdict just before noon Wednesday.

"The problem was his part. His entire involvement was wrong," juror Ira Jones Jr. said. "There was enough evidence. And those e-mails. The law is the law."

Prosecutors argued that Wasserstrom lied about his relationship with Schwing, which won the contract despite being the most expensive bidder.

On Wasserstrom's conflict forms in 2004, he declared his law firm represented the Normandy Group, the company that lobbied for Schwing in South Florida. He also said his law firm would not benefit from Normandy's work in Hollywood or represent the lobbying firm in the city.

Prosecutors told jurors Wasserstrom's advice to Schwing lobbyists showed he was working for the company.

SIDE DEAL

Wasserstrom also cut a side deal that would have his law firm reap half of all the lobbying fees paid to Normandy for any other cities that selected Schwing to treat their wastewater.

Prosecutors alleged Wasserstrom hid his financial stake in Schwing's success and his true motives from the public and the commission, despite filing the disclosure forms and making pronouncements at City Commission meetings.

The verdict brought closure for the city, Giuliani said.

"I'm glad it's over because it finally puts this behind us, and we can focus on all the positive things happening in the city that got overshadowed by the trial," she said. "Of course, my heart goes out to Keith and his family for what they have been through."

The case seemed to take a turn Monday when Lazarus tossed the unlawful compensation charge. It looked like a win for Wasserstrom.

Prosecutor Catherine Maus stumbled at times in her attempts to prove that Wasserstrom -- who never received any money -- would have profited because of the Hollywood contract.

"That may have worked to our disadvantage. It took away the count we could have attacked the strongest in closing arguments," Hirsch said. "But I'll never know."

With the charge off the table, prosecutors centered closing arguments on the conflict of interest forms -- even telling jurors to disregard Giuliani's disclosures.

Jurors were still thinking about the charge deep into deliberations, even though they were instructed to disregard it, jury foreman James Hanna said.

"Some wanted to look at the whole picture and all the charges," he said. "That was hard not to consider."

The jury's verdict was unanimous, but some struggled to understand the case and Wasserstrom's relationship to all the parties involved.

Attorneys sensed the jury's confusion less than an hour into deliberations Wednesday, when they asked to hear all the witnesses' testimony over again.

Lazarus denied the request and told jurors to rely on their own recollections.

"Some jurors would've liked to have seen other people. We didn't get the complete picture," Hanna said.

Hirsch made the choice not to put on a defense after the state rested its case Tuesday.

He told jurors at the outset that Wasserstrom would take the stand and tell his story.

He never did.

"I do think we made the right decision," Hirsch said. "Putting on a defense would have afforded the prosecution to put on a rebuttal case just to make Keith look a lot worse.

"I thought that their case was flawed," he said.

KEY WITNESSES

Three of the state's key witnesses disputed claims that Wasserstrom acted corruptly and, instead, seemed to endorse Wasserstrom's actions.

Giulianti and Maus butted heads during her testimony, in which the mayor said it was then-City Attorney Dan Abbott, not Wasserstrom, who filled out her disclosure forms.

An expert witness in purchasing, Windol Green, testified that Wasserstrom wouldn't have even been able to make money off the alleged scheme, perhaps damaging the state's unlawful compensation case.

Jurors noticed the problems in the case but didn't consider them strong enough to acquit.

"The state's case wasn't as strong as it should have been," Jones said.

Miami Herald staff writer Breanne Gilpatrick contributed to this report. .

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