

City minority business and compliance director initially tries to withhold public data on minority inclusion for Ballpark Village Phase 2

By Rebecca Rivas Of The St. Louis American May 25, 2018 Updated May 25, 2018

Construction is underway on the \$220-million second phase of Ballpark Village – which will include a 29-story luxury high-rise apartment tower, a hotel, an office building and retail space. It's expected to be completed next summer.

The project is receiving [\\$56 million in public subsidy](#) from the city and a total of \$65 million after adding in state subsidies. Because the project is receiving public funds, the developers must abide by the city's policy on employing minority businesses and workers on the project's construction.

This *St. Louis American* reporter met with Vladimir Monroe, director of minority business development and compliance for the St. Louis Development Corporation. He is in charge of monitoring how much of the project's contract dollars are awarded to minority businesses. The project is following the mayor's executive order on inclusion, which states that 25 percent of the project's contract dollars must go to Minority Business Enterprises (MBE) and 5 percent to Women Business Enterprises (WBE).

During the first phase in 2014, *The American* uncovered [hidden legal definitions](#) in the Ballpark Village's development agreement with St. Louis city that allowed developers Cordish Company and the St. Louis Cardinals to leave undisclosed millions in construction costs unmonitored when it comes to hiring minorities and women.

Developers contracted PARIC to complete the \$21.65 million “outer shell” and exterior infrastructure on the \$100 million first phase of the retail and entertainment complex. But, that was the only contract the city monitored for minority participation.

Other general contractors were hired to complete the 25,000-square-foot two-story Budweiser Brew House, the St. Louis Live entertainment plaza and other interior projects – and none of these contractors were monitored by the city for inclusion. Despite *The American's* repeated requests to the Cardinals and Cordish, the developers never disclosed information on how many minority businesses or workers they hired on the rest of the project.

Monroe said that Cordish and the Cardinals have agreed that the city will monitor every aspect of the project this time.

“They know what this means and are looking at ways to maximize participation,” he said.

Monroe, who wasn't at SLDC for phase one, said that the monitoring will be “far more robust” than it was before, and this time they are using a “modern compliance software monitoring

system” that’s cloud-based. SLDC brought Monroe in from Chicago, which has “a better system, a better process.”

“When they brought me here, one of the things they encouraged me to do was to bring this system here because we know it works,” Monroe said.

The American then asked what the minority participation looks like currently on the project. Below is the conversation between this reporter and Monroe about why he didn’t feel comfortable disclosing this information.

The St. Louis American: *So where are things now as far as boots on the ground and MBE/WBE?*

Vladimir Monroe: So the challenge is, I can’t tell you or disclose exactly where the numbers are. I can disclose that at the conclusion of the project. Boots on the ground is not something that we monitor in my department. When we submitted the utilization form, we were comfortable with their ability to make the 25 and 5. They showed us the plan on how they were going to make that 25 and 5. We were comfortable with the process that they have in place, the manner in which they are going to get there, and we are working with them to make sure that end result is met.

The American: *I don’t think that I’ve ever been told that I couldn’t find out until the end.*

Monroe: I’m not saying you can’t find out. But I’m not going to disclose that because it’s still a work in progress. In our conversations with PARIC and Cordish, we’ve told them we won’t disclose the information until the end of the project. Because if the end result is you have to be at 25 and 5 and I tell the world that you’re at two and three, then does the world panic right now?

The American: *On any construction project in the city that’s using public funds, you have to be able to disclose that on all levels of the project.*

Monroe: Correct. And in consultation with our attorney, we’ve discussed that we would consider this to be work in progress.

The American: *This is new then because SLDC has never done it like this before.*

Monroe: Correct. If PARIC wants to disclose their numbers ...

The American: *Also, there is a larger conversation going on with the Board of Aldermen and with SLDC about transparency. And I thought what you were going to be telling me with this new software was that you’re updating it daily and the public can see. That was the last conversation that I heard about where you guys were going.*

Monroe: It’s a payroll-based system. We are able to see where they are tracking, what they’re trending, and whether they are on pace or not. But the challenge that we have is if we disclose something and PARIC, who we have the contract with, is still working on moving the needle,

then we're prematurely telling you that you're at 2 and 3 today. But tomorrow they may be at 20 and 5, right?

The American: Why not say that?

Monroe: Which is up to PARIC.

The American: It isn't. It's up to you. You're the city.

Monroe: Right, correct.

The American: You're receiving public funds. You work in the public's interest. PARIC is not running your show.

Monroe: I agree.

The American: So I don't understand why you're working in PARIC's interest and not the public's.

Monroe: And I don't think we're working in PARIC's interest. I think we're working in partnership with PARIC. And in the conversation that we've had with our attorney, we've had this conversation on more than one occasion and their interpretation has been: We're looking at this as sort of an attorney's work product. We have no problem disclosing this information on the project, but because it's still fluid, once we tell you that we're at whatever number we're at, we've become locked into 'this is their number.' They're below 25 and 5, when the ultimate goal at the end of the project is to be in excess of 25 and 5. We do understand it's a process to get there.

The American: I don't understand why you're working backwards from what you've always done. You've always tried to have more transparency, and now you're going backwards. Why would you do that? You're just going to get so much more flak from the public. I don't see the benefit. We've always seen the numbers throughout the time. We've all understood, okay this time they are doing cement, so they are probably going to have more minority participation on that than other aspects. I think people understand that. I think you're taking it for granted that the public is not smart or doesn't understand.

Monroe: I don't think I can say the public is not smart.

The American: I think you're going to have to have a stronger clarification than, "My attorney told me so."

Monroe: That's the best explanation I can provide based upon what our attorneys have told us.

The American: And where did this decision come from? Did it come from the mayor?

Monroe: No, no. We have an attorney here who is from the city attorney's office.

The American: So the city attorney appointed by the mayor.

Monroe: For SLDC. (Side note: Whose director is also appointed by the mayor.)

The American: Who works in the city counselor's office. Who is the attorney?

Monroe: Leslye Mitchell-Yancey.

The American: So Leslye all of the sudden has more power than the whole Board of Aldermen, than all the people who have elected our elected officials. You're really going to have to sell this a lot better than you're selling it right now.

Monroe: The good news is I'm not a salesman. Or maybe the bad news is I'm not salesman.

The American: Because the explanation that you're provided so far is that we are protecting the developer.

Monroe: No, it's actually we are only protecting ourselves. In the conversation that we had as far as disclosing this, I asked: Would this be considered work product and would we have to disclose that? And she informed me that we would not have to disclose that. So I said I'm comfortable with that. And we'd rather disclose this information at the end of the project.

The American: Are you comfortable disclosing information on any other projects that you're working on?

Monroe: That are active or closed?

The American: Active.

Monroe: I am not, no.

The American: So on no project that's receiving public funds ...

Monroe: If you're asking me, I am not comfortable. However, if I consult with attorneys and they say, "Yes, you can disclose that," then I have no problem disclosing that. But the last directive I received – I'm a military guy, so you always go by the last directive – the last directive was until you hear otherwise, just hold on to that information. We can always disclose it later. So I'm comfortable with that.

The American: This is public information. There are laws about that. Sunshine laws.

Monroe: Yes, there are.

The American: You are comfortable going against state law that says the public has a right to know this information.

Monroe: Going against state law would be you submit a Sunshine request and I purposely didn't respond to that request in a timely fashion, right? So that would be a violation of a FOIA request.

The American: Well, you are going to have to have a really good explanation for why you are not able to give me this public record because it's public information. So, what is that? I can go through that process, or you can just give it to me.

Monroe: So you've asked me the same question three times, I believe I've answered it.

The American: That's fine. I'll get in touch with Leslye. But, you're the head of this department (of compliance). You're leading, and you're saying you're going to do things differently. And that's not different in a positive way – minimizing your transparency to the public. I don't think anyone is going to appreciate that.

Monroe: And I'm fine with that. If I have to defer to legal counsel, then I'm comfortable deferring to legal counsel, which is what I was told to do.

The American: And what she said was, "We don't have to."

Monroe: And until she says, "Yes disclose that," I'm going to lean with legal counsel.

Upon leaving this meeting, *The American* called the mayor's office for an explanation. Monroe sent this information in an email shortly after:

"The Ballpark Village project has three components to it, with a total contract value that we are currently monitoring of \$35,010,283; of that, only 4.5 percent or \$135,286 has gone to MBEs at this point. The WBEs have not worked on this project.

"This is still early, only less than 0.0 percent completion on this project. I apologize for not providing this information to you earlier; I wanted to make sure that I was in compliance by releasing this data."

So with the city's mandated goals being 25 MBE and 5 WBE participation, Ballpark Village Phase 2 currently is at 4.5 percent MBE and 0 WBE participation.