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Accusations thrown over LAX advertising contract

By Brian Sumers, Staff Writer

Posted: 07/04/2013 02:09:17 PM PDT

Updated: 07/04/2013 02:12:14 PM PDT



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The loser for a proposed advertising contract at Los Angeles International Airport has accused the winner of breaking the law by including two former airport insiders in the bidding process.

It's an accusation that JCDecaux -- which was selected by airport staff to win a lucrative contract over competitor Clear Channel Airports -- vehemently denies.

The accusation came June 28 in an email from an attorney for Clear Channel, the apparent loser for a contract that should be worth more than \$250 million to the airport. The winning firm will handle advertising, sponsorship and other media opportunities at LAX. The agreement is to run until Dec. 31, 2020 with options to extend it for three future years, documents show.

The contract is not yet official. The Los Angeles Board of Airport Commissioners is not expected to endorse it until the City Attorney's Office makes a decision on the validity of Clear Channel's protest.

According to Clear Channel, winner JCDecaux may have illegally relied on inside information provided by former Los Angeles Board of Airport Commissioners President Alan Rothenberg and Michael Molina, former Los Angeles World Airports deputy executive director.

"There is absolutely no merit to their allegations," said Ellen Berkowitz, attorney for JCDecaux.

This is the second letter sent by Clear Channel officials about the contract, and it is considerably more direct

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in its accusations. The first focused more on whether Clear Channel had access to the same data as JCDecaux, which currently handles advertising at LAX.

Molina, whom the letter calls a lobbyist for JCDecaux, declined comment. According to Clear Channel's protest letter, Rothenberg is now chairman of Premier Partnerships, which joined with JCDecaux on its bid. Officials with Premier could not be reached for comment, nor could LAX officials.



In their letter, Clear Channel lawyers suggested Molina, who resigned on June 15, 2011, may have been working for Los Angeles World Airports when the bidding process began. The letter notes that city code bans former municipal employees from lobbying for projects on which they have "personally and substantially" participated.

The Clear Channel letter also suggests that Rothenberg, president of the airport commission from September 2005 until late 2010, may have presided over meetings in which advertising contracts were discussed.

His actions may have constituted a violation of state law, according to Clear Channel.

"The only issue is whether Mr. Rothenberg participated in the 'planning, preliminary discussions, compromises, drawing of plans and specifications and solicitations of bids,' related to that contract," lawyers for Clear Channel wrote. "We believe Mr. Rothenberg was involved in those activities."

But in her response, Berkowitz said Clear Channel was misapplying the law. She called Clear Channel's argument regarding Rothenberg "frivolous."

"Even if there was some remote theoretical discussion about the future of advertising at LAX generally, an official only 'remotely connected with the making of the contract' does not run afoul of the law," she wrote.

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