

**MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST
MEETING SUMMARY
JUNE 26, 2007
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Complaints

07-10: The Commission on Ethics ratified the proposed settlement agreement entered into between the Office of the Advocate and Respondent Raul Cruz, Road Construction Engineer/Construction Manager for the county's Public Works Department., whereby the Respondent would plead "no contest" to three counts of a five count complaint, pay a fine of \$1,250 and pay restitution of \$289.96 for improper use of county sick leave. The Commission agreed to dismiss the other two counts contained in the complaint. The uncontested allegations contained in the complaint were that Respondent used his official position as a county employee to take unauthorized sick leave to attend two meetings involving his father-in-law and wife's company, R.A. & II Construction, Inc. and for having a personal investment, through his father-in-law and wife, by virtue of their ownership of this construction company, which the Respondent supported in his official position as a county employee.

07-11: The Commission on Ethics ratified the proposed settlement agreement entered into between the Office of the Advocate and Respondent Robert Levy, who agreed to pay a fine of \$750 and investigative costs of \$1000 for one count of violating the county's Cone of Silence Ordinance and a second count for failing to register, both counts in connection with the Misdemeanor Probation Services RFP. The second Cone of Silence count was dismissed by the Ethics Commission upon mutual agreement of the Advocate and the Respondent.

07-12: The Commission on Ethics found legal sufficiency and probable cause in a two-count complaint filed by the Advocate against former Miami City Commissioner Johnny Winton for engaging in a prohibited investment by forming a limited liability corporation with the City Mayor and City Manager to purchase investment property and for proposing and voting on a resolution to raise the salary of the Mayor of the City of Miami while simultaneously serving as his business partner in their limited liability corporation.

07-14: The Commission on Ethics dismissed the complaint for lack of legal sufficiency against Carlos Bianchi and Rosa Nunez, both employees of the county's Enterprise Technology Service Department, based on claims they violated the Mendelson Act and for filing a sexual harassment claim.

Opinions

07-16: The Commission on Ethics opined that a company, URS Corporation, may not serve as Bond Engineer for Miami-Dade County while a subcontractor performs services related to the Munisport Landfill, as a firewall will not cure the conflict that could potentially exist. The Commission further opined that the prime consultant and/or subconsultants may provide services to private entities regarding collection, transfer and disposal of solid waste generated in Miami-Dade County, but could not provide service to a public entity regarding rates if the rates will affect or concern any agreement between Miami-Dade County and the public entity.

07-19: The Commission on Ethics opined that Malcolm Pirnie, Inc. or another any other contractor that has provided or is currently providing professional services to a private entity that could potentially provide solid waste collection, transfer, processing or disposal services to Miami-Dade County may provide bond engineering services to the Department of Solid Waste. However, the firm may not provide services related to any agreement between the private entity and the Department of Solid Waste.

07-20: The Commission on Ethics opined that the Assistant City Manager for the City of Homestead who also serves in the capacity as the Executive Director of the City's Economic Rebuilding Organization violates the county ethics code by participating in official actions that impact the funding of a non-profit organization which may directly or indirectly affect his spouse's business, which has a contract with and receives funding from this non-profit organization.

07-21: The Commission on Ethics opined that members of the Miami Beach Housing Authority are not bound by City Ordinance Section 2-459 to due to the fact the Housing Authority is an independent legal subdivision of the State and not part of City government.

07-22: The Commission on Ethics opined that employees holding the following job classifications in the City of Coral Gables must file financial disclosure forms: Chief Plumbing Officer, Chief Electrical Officer, Historical Preservation Officer, Park Superintendent, Zoning Administrator, Chief Collector and Deputy Collector. Superintendent of Greens and the Public Affairs Specialist would not be required to file.

07-23: The Commission on Ethics opined that HDR Engineering may provide bond engineering services to Miami-Dade County if the firm has completed its project management services to the City of Miami prior to the commencement of the bond engineering agreement. HDR may not simultaneously provide project management services to the City of Miami regarding the Virginia Key Landfill and serve as bond engineer because the bond engineer will have oversight responsibilities under the landfill closure plan.

07-25: The Commission on Ethics opined that the Downtown Development Authority in the City of Miami may enter into a contract with a public relations firm with one of the principals of the firms is a board member of the City of Miami's Department of Off-Street Parking because the Downtown Development Authority is not subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the Department of Off-Street Parking.

07-26: The Commission on Ethics opined that the Cone of Silence is not reimposed during the bid protest procedure at the Public Health Trust. The delegation of the authority to staff to take necessary steps to resolve the bid protest is not a referral back to staff for further review.