

**MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST**  
**JANUARY 29, 2009**  
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Complaints

08-16: The Commission on Ethics approved the Letter of Instruction prepared by the Office of the Advocate in connection with the complaint filed by Club Madonna against officials in the City of Miami Beach, alleging that the officials exploited their official positions when meeting in executive sessions to consider lawsuits filed against the City.

08-25: The Commission on Ethics found no probable cause and dismissed the complaint filed by Adalgisa Castillo, an employee of the county's Office of Neighborhood Compliance, who alleged that Maritza Ortega, the complainant's supervisor, exploited her official position when she had the complainant babysit her granddaughter during business hours and by retaliating against her for reporting an alleged incident of sexual harassment.

08-26, 27, 28: The Commission on Ethics found no probable cause and dismissed the complaints filed by three complainants (all alleging the same facts). The complainants alleged that Respondent Hon. Raul Martinez, a part owner and principal of City Outdoor Florida, improperly lobbied City of Miami Commissioner Tomas Regalado concerning the passage of an outdoor advertising ordinance. The Ethics Commission found there was no evidence to support the claim that lobbying occurred and ordered a General Letter of Instruction to be issued to the City of Miami to clearly identify that principals are included in the definition of lobbyists in conformity with a City of Miami City Attorney opinion and to revise its website to reflect the same.

08-31: The Commission on Ethics found no legal sufficiency and dismissed the complaint against Police Officer Juan Rodriguez, who was alleged to have harassed the complainant in connection with his duties as a police officer patrolling the Town of Miami Lakes.

09-01: The Commission on Ethics dismissed three counts of a complaint filed against Respondent Stuart Blumberg, the City of Miami Beach and the Greater Miami & Beaches Hotel Association. The Commission found it had no jurisdiction over a complaint filed against the Greater Miami & Beaches Hotel Association nor did it have jurisdiction to hear a complaint against the City of Miami Beach as an entity. The Ethics Commission dismissed the portion of the complaint against Respondent Blumberg that claimed he lacked the qualifications to serve on the Miami Beach Convention Center Advisory Board as outside the jurisdiction of the Ethics Commission. Finally, the Ethics Commission dismissed the portion of the complaint against Respondent Stuart Blumberg that alleged he had a recurring conflict by serving on the Miami Beach Convention Center Advisory Board and as president of the Greater Miami & Beaches Hotel Association for lack of legal sufficiency.

Opinions

09-01: The Commission on Ethics opined that MAGGOLC, INC., a civil engineering company, absent a waiver from the Board of County Commissioners, may not contract with the county's Public Works Department due the fact the owner and president of the company is the spouse of a Public Works Department employee.

09-02: The Commission on Ethics opined that Sim-G Technologies, currently performing work under a miscellaneous contract with the county's Department of Public Works, may not simultaneously serve as a member of the Construction Inspection Team for Fixed Facilities on the MIA Mover project and perform materials testing services for the Aviation Department on the MIA Mover project. The Ethics Commission found that the overlapping scope of services creates an impermissible conflict of interest.

09-04: The Commission on Ethics reviewed the matter of a municipal elected official who recently traveled to Washington D.C. for a League of Cities event. The municipality paid for the official's non-refundable round-trip ticket, but the official returned to Miami on the private jet of a long-time friend. The Ethics Commission opined that the municipal official must report as a gift air travel as a private conveyance, even when traveling for official business, if the value of the gift exceeded \$100. The value of the gift should be based on the criteria established under the State gift disclosure rules, which is the cost of an unrestricted coach fare. The Commission further opined that an official should report as a gift any upgrade by a commercial airline to a higher class of travel if the value of the upgrade, less the purchase price of the ticket, exceeds \$100.

09-05: The Commission on Ethics opined that a clerk in the Development and Loan Section of the county's Office of Community and Economic Development (OCED) who wishes to participate in a loan program sponsored by OCED may do so and receive a second mortgage from the County due to an exemption in the County Code for this program and because the employee is not involved in the administration of county mortgage or loan programs.

09-06: The Commission on Ethics opined that the recent amendments to the county's Code of Silence permit Department of Procurement Management staff to meet with user departments without providing public notice. The exemption cited by the Ethics Commission is the one which permits employees of the Department of Procurement Management to consult with other professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.