



For Immediate Release: June 23, 2009
Contact: Robert Meyers, Executive Director
(305) 350-0613 or rmeyers@miamidade.gov

New NMB Mayor faces public hearing on Conflict of Interest complaints

The Miami-Dade Commission on Ethics and Public Trust has determined there is probable cause to proceed against North Miami Beach Mayor Myron Rosner for violating the County's Conflict of Interest and Code of Ethics Ordinance relating to exploitation of official position. The evidence shows that Rosner, who is a licensed building contractor and a member of the Miami-Dade County Board of Rules and Appeals, proposed and completed several additions to his private home that require zoning variances. While a member of the City Council, Rosner discussed his displeasure about the variance process with the then-city manager who allegedly told his staff to resolve the issue. Building permits were issued for the property improvements that include expansion of the residence, several awnings, a swimming pool, patios and a driveway, screening and electrical wiring, in violation of the city code. Rosner, who was sworn in as mayor of North Miami Beach last month, will face a public hearing on the complaints (C 09-02 & C 09-04).

During the Commission's monthly meeting today, a complaint (C 09-10) against the director of Miami-Dade's Office of Building Code Compliance was dismissed because it alleged a violation of state law.

The Ethics Commission decided against issuing an opinion (RQO 09-14) on whether a municipal attorney violated the county code of ethics by recommending professional services, ruling that advice on past behavior would have limited value.

In response to a Request for Opinion (RQO 09-19), the Commission ruled that outside companies which previously provided preliminary design services for the Miami-Dade Water and Sewer Department *may* bid on future engineering and consulting work on three pipelines planned for the northwest section of the county.

An official with the real estate division of Miami-Dade County's General Services Administration *is* eligible for mortgage assistance from the Office of Community and Economic Development (OCED) through its Infill Housing program. Answering a Request for Opinion (RQO 09-20), the Ethics Commission ruled that it is not a conflict of interest for a County employee to take part in the program as long as she is not employed by OCED.

An official with the OCED sought an opinion (RQO 09-21) on whether the department may solicit and accept sponsorships from firms that do business with it, specifically events surrounding National Community Development Week. The Ethics Commission decided that the agency may accept support from banks and other entities that participate in its program, as long as the solicitation of sponsorships is wide-reaching and not targeted. The board also ruled that high ranking department personnel may not ask for funds from any entity that participates in OCED programs or receives funds from the agency.

A member of Miami Beach's Capitol Improvements Project Oversight Committee asked (RQO 09-22) if he may bid to construct affordable housing or sell equipment to the city police department. The Ethics Commission found that he may

be a vendor to the city as long as the advisory board on which he serves has no authority over the proposed contracts. The opinion cautions the advisory board member against lobbying the city, in violation of municipal code.

In other action, the Ethics Commission agreed to discuss further whether an “appearance of impropriety” standard ought to be included in the County and municipal codes of ethics. Commissioners also authorized the executive director to explore a role for the Ethics Commission in determining whether “waivers of conflicts of interest” should be granted for County-retained lobbyists who simultaneously represent clients whose interests may be adverse to Miami-Dade County.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education and outreach, the Commission seeks to empower the community and bolster public trust.

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