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Contact: Robert Meyers, Executive Director
(305) 350-0613 or rmeyers@miamidade.gov

Utility official is fined for ethics violations

A senior construction manager in the Miami-Dade Water and Sewer Department (WASD) will pay a \$1,000 fine and accept a Letter of Reprimand for violating the County's Conflict of Interest and Code of Ethics Ordinance by using his position to get his son a job. The Miami-Dade Commission on Ethics and the Public Trust last month found probable cause in a complaint (C 09-13) against Mario Garcia, Jr. for influencing the hiring manager of a private contractor to the utility to give his son an advantage when filling a junior inspector position. After his father was provided the questions that would be asked during his interview, Mario Garcia III scored highest in the hiring process, but he failed the drug screening. He was, however, hired by a different subcontractor to WASD after Garcia, Jr. misrepresented the reason his son did not get the first position. The department had already suspended the elder Garcia for five days without pay and today the Ethics Commission approved a settlement that requires Garcia, Jr. to pay \$500 for each of the two counts filed against him.

A complaint (C 09-09) that the owner of Royal Rent-A-Car did not properly register as a lobbyist was dismissed after Miami-Dade Commissioner Bruno Barreiro gave a sworn statement defending Ismael Perera. Royal Rent-A-Car had been a vendor to the county, but lost the contract to competitors on December 16, 2008. The two men met on December 17 and on December 18, Commissioner Barreiro asked fellow commissioners to revisit the contract, prompting an investigation into a possible violation of the Conflict of Interest and Code of Ethics ordinance. Since then, the Commissioner attested that Perera provided factual information about the agenda item and did not seek to encourage any action pending before the board, and therefore, did not violate the section of the law requiring lobbyist registration.

Probable cause has been found that relatives who serve on two different advisory boards in Miami failed to file a "source of income statement" as required. Complaint 09-14 is against Anthony Cutler, a member of the City of Miami Equal Opportunity Advisory Board. Complaint 09-15 is against Charles Cutler, a member of the City of Miami OAB/Overtown Community Oversight Board. Both complaints cite numerous efforts, including certified mail, to encourage the men to complete the forms for 2007 that were due July 1, 2008. The cases are set for a public hearing next month.

A complaint of retaliation originally filed two and a half years ago against officers in the Miami-Dade Fire Department (C 06-58) was dismissed for lack of probable cause. The investigation by the Ethics Commission was put on hold, pending the outcome of a criminal investigation against the complainant, which was resolved in June.

In response to a Request for Opinion (RQO 09-26) from the attorney for the Dade County Police Benevolent Association (PBA), the Ethics Commission ruled that the president of the organization is not considered a lobbyist when he meets with County Commissioners on proposed budget cuts and union contracts. Since Sgt. John Rivera is serving in his official capacity, the opinion states he is not required to register as a lobbyist to discuss PBA issues when meeting with County officials.

The Ethics Commission clarified in RQO 09-27 that vendors who provide architectural and engineering services to County agencies must complete a financial disclosure form every year. The Conflict of Interest and Code of Ethics ordinance requires all firms providing professional services to file financial disclosure information within 30 days of winning a bid award. Commissioners interpreted language elsewhere in the ordinance to require those outside companies to provide an updated form by the July first deadline annually, as long as they are under contract.

A company that is currently providing operational support to Port of Miami Crane Management, Inc. (a county-created agency that manages gantry cranes) may also bid to perform work under a Bond Consultant Contract for the port. The Ethics Commission opined in response to RQO 09-25 that Shaw Environmental and Infrastructure Group's current work assisting with day to day management of the cranes would not be in conflict with long-term bond consulting services under the new contract.

Finally, the Ethics Commission decided that an attorney in the Intergovernmental Affairs unit at the Miami-Dade Water and Sewer Department (WASD) may work as an outside political consultant for legislative or judicial candidates or for political action committees and community organizations. Ethics Commission members warned, in response to RQO 09-28, that he may not represent an incumbent or candidate in any city in Miami-Dade County unless he get prior approval from the Ethics Commission, nor may he represent private clients before any County personnel, boards or agencies. In addition to receiving his supervisor's approval before seeking consultant work, the attorney must also submit a client list to his division director every quarter and file an "outside employment statement" annually.

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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