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Complaints against city leaders dismissed

The Miami-Dade Commission on Ethics and Public Trust today dismissed a complaint (C 09-34) filed against Surfside City Commissioner Howard Weinberg alleging violations of the city charter and exploitation of official position. A citizen complained that the commissioner accepted \$500 per month from 2006 through most of 2009 as expense reimbursements. The complaint was found not legally sufficient because the Ethics Commission has no jurisdiction over municipal charters. Even still, an investigation found that the Surfside City Commission had passed several resolutions providing the \$500 monthly expense stipend and additional reimbursements were allowed if approved by the town manager. The town manager stated that all of Commissioner Weinberg's expenses were approved because they were associated with official business.

A complaint (C 10-01) filed against a dozen current and former elected officials, employees and attorneys of the Village of Bal Harbour was also dismissed because it was found not legally sufficient. A resident had alleged violations of the municipality's election code related to the residency of a council woman as well as improprieties associated with homeowner assessments and the issuance of a title and building permits for one property. The Ethics Commission has no jurisdiction to enforce municipal election law and found no violation of the Code of Ethics in the other sections of the complaint.

The president of a small local company that is currently working on the design and closure of landfill cells for the Miami-Dade Solid Waste Department wants to serve as a subconsultant to a bond engineer that would conduct an evaluation of the entire solid waste system. In response to a Request for Opinion (RQO 09-46), the Ethics Commission ruled that Westhorp and Associates may serve as a subconsultant, as long as the firm does not perform any duties related to landfills.

In a different request (RQO 10-01), the Ethics Commission was asked if an elevator contract specialist with the Miami-Dade Transit Department may perform similar duties for his private company. Marcos Bermudez is responsible for evaluating and inspecting the work of contractors who install and maintain elevators and escalators at the County's transportation facilities. As president of All USA Elevators, Bermudez provides safety inspections in privately-owned buildings. The Ethics Commission ruled he may continue to do so, as long as he does not compete for contracts or inspect the work of any vendors he supervises in his public capacity. But, Bermudez must request approval before submitting a bid or quote for maintenance or repair work to make sure he's not competing with County vendors, and he

must submit a semi-annual report of all his outside inspections to both the Transit Department and the Ethics Commission.

An employee who retired from the Transit Agency a little over a year ago asked the Ethics Commission if his new private company could provide driver training and transportation consulting services to the County. In RQO 10-08, the Ethics Commission determined that County Code prevents Joseph Tomlin from bidding for work with the Transit Agency because his wife is employed there in a supervisory capacity. Mr. Tomlin was told he could ask the Board of County Commissioners for a waiver to the Code, but he may not lobby anyone in the County for at least two years after his retirement date.

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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