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### **Local Mayor & City Commissioner settle ethics charges**

The Mayor of Homestead has agreed not to contest a charge he violated provisions of the Voluntary Fair Campaign Practices Statement when he claimed the endorsement of Miami-Dade Mayor Carlos Alvarez during last fall's election. Responding to a complaint (**CO 09-30**) by the incumbent at the time, Linda Bell, investigators determined that Mayor Alvarez did endorse Steve Bateman in the 2007 race, but did not extend that to the 2009 election, as claimed in Bateman's campaign material. The Miami-Dade Commission on Ethics and Public Trust issued a finding of No Probable Cause at its monthly meeting on April 14, 2010, to three other allegations made in the complaint. As part of a settlement, Mayor Bateman will pay \$500 toward the cost of the investigation.

A North Bay Village city commissioner has entered into a settlement with the Ethics Commission after being charged with violating the Conflict of Interest Ordinance for his role in locating temporary office space while the city hall complex was being constructed. According to the complaint (**C 09-33**), George Kane, who is also a licensed real estate agent, acted as a conduit between the City and the property owner last year in negotiating the lease of space for temporary offices that would have earned him a commission. It was also alleged that Kane proposed to the city manager and fellow commissioners that the new municipal complex be built on sites other than the vacated city hall, suggesting three properties owned by his clients. As part of the settlement, Kane is pleading No Contest to one count, and the other two are being dismissed. The Ethics Commission agreed to waive the \$500 fine and Kane agreed to assign any commission he might be entitled to receive to North Bay Village's general fund.

The Ethics Commission found No Probable Cause that South Miami City Commissioner Brian Beasley violated several sections of Miami-Dade County's Conflict of Interest and Code of Ethics Ordinance in land transactions with the city's Community Redevelopment Agency (SMCRA) when he served as vice chair. A complaint (**C 09-29**) alleged that Beasley and his business partner, who also own and share a home together, obtained the listings for three properties which Beasley promoted to the SMCRA for purchase in 2008. Beasley had abided by an earlier Ethics Commission opinion that he should not vote on the matter, and the Commission found he did not unduly influence others on the issue.

A complaint (**C 10-11**) alleging a violation of the Citizen's Bill of Rights filed against the board secretary for the Committee on Disability Issues for refusing to permit a person to distribute documents during a meeting was dismissed because the Ethics Commission may not consider complaints related to the Bill of Rights. A Request for Opinion on the question may be considered at a future meeting.

A complaint (**C 10-15**) was filed against a Miami-Dade Circuit Court judge for failing to expunge all records of a criminal case by the one-time defendant. Because the Ethics Commission does not have jurisdiction over judges, the complaint was dismissed as legally insufficient.

A candidate for county commission is eligible to seek public financing, despite making the request more than 90 days after initially filing campaign forms. Josephat Celestine, who is running for the District 2 seat, turned in required paperwork with the Miami-Dade Elections Department on December 9, 2009, but incorrectly signed for his treasurer. After being notified of the mistake, Celestine filed a revised form on January 10, 2010. On March 10, the candidate declared his intention to seek public financing. The Elections Department was concerned that the regulations of the Election Campaign Trust Fund, requiring candidates to file a declaration of intent no later than 90 days after opening a campaign account, had been violated. In response to **RQO 10-10**, the Ethics Commission ruled Celestine is eligible for public finances because the date of submission of the correct form (January 10) started the 90-day countdown.

City attorneys who augment their own expertise to provide competent legal counsel to their political entities are not violating the Ethics Code that prohibits the recommendation of professional services. That determination was made by the Ethics Commission in response to questions (**RQO 10-12**) about municipal attorneys who need legal expertise for the issuance of a bond or to secure a loan, or if they retain expert witnesses for litigation they're handling for their cities.

Two decisions clarify when relatives may work in the same facility as the executive director of a Head Start program. They were in response to Requests for Opinion from Julie Edwards, the head of Miami-Dade's Community Action Agency, which contracts with the private providers. At one center, the niece and nephew of the executive director were employed. At another, the sister-in-law of the executive director was on the staff. In that case (**RQO 10-07**), Ethics Commissioners concluded that the Conflict of Interest and Code of Ethics Ordinance permits those relatives to be employed at the respective facilities, as long as they were selected under a competitive process and the executive director did not participate in or influence that process. Ms. Edwards also asked about the propriety of the sister of a county commissioner and the niece of a CAA Board Member working as teachers at Head Start centers. In **RQO 10-11**, the Ethics Commission ruled that there is no conflict with either relationship since neither official would be directly affected by the employment of an adult sibling. The opinion warns the CAA Board member from voting on the budget or any personnel matter for the center that employs an immediate family member.

*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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