

**MIAMI-DADE COUNTY
COMMISSION ON ETHICS AND PUBLIC TRUST
CLERK'S SUMMARY MINUTES AND AGENDA ACTION
MEETING OF FEBRUARY 25, 2010**

The Miami-Dade County Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820 on February 25, 2010 there being present Commission members Magda Abdo-Gomez, Dawn Addy, Judge Seymour Gelber, Kerry Rosenthal, Robert Meyers, Executive Director, Ardyth Walker, Staff General Counsel, Michael Murawski, Advocate, Miriam Ramos, Assistant Advocate, Victoria Frigo, Staff Attorney, Rhonda Victor Sibia, Community Outreach Coordinator, Kennedy Rosario, Investigator, Breno Penichet, Investigator, Rachelle Cedeno, Administrative Assistant, Brian Beasley, Larry Capp, Marlon Hill, Roger Carlton, Larry Feingold, Frances Meltzer, Marie Shohat, Kevin Burns, Laura Morales, J.P. Morgan, Michael Band, Charles Brown, Kevin Hurley, Lavongia Henry, Elizabeth Plater-Zybek, Bette Schwartz, Sally Philips, Bob Welsh, Horace Feliu, Eve Boutsis, Jeff Suddath, O.V. Gundland and Katrina Burkhardt.

Chairman Rosenthal called the meeting to order at 10:03 a.m. and there was a quorum.

I. Approval of Minutes from January 21, 2010 meeting

Commissioner Abdo-Gomez moved to approve the January 21, 2010 minutes. Commissioner Addy seconded the motion and it passed unanimously. (4-0)

II. Request for Opinions 10-03, 04, 05, 06, Section 8

Victoria Frigo presented the draft opinion for 10-03. Judge Gelber moved to approve the draft opinion. Commissioner Abdo-Gomez seconded the motion and it passed unanimously. (4-0)

Ardyth Walker presented the draft opinion for 10-04. Judge Gelber moved to approve the draft opinion. Commissioner Abdo-Gomez seconded the motion and it passed unanimously. (4-0)

Ardyth Walker presented the draft opinion for 10-05. Judge Gelber moved to approve the draft opinion. Commissioner Abdo-Gomez seconded the motion and it passed unanimously. (4-0)

Ardyth Walker presented the draft opinion for 10-06. Judge Gelber moved to approve the draft opinion. Commissioner Addy seconded the motion and it passed unanimously. (4-0)

Victoria Frigo presented the draft Section 8 memorandum. Commissioner Addy moved to approve the draft memorandum. Commissioner Abdo-Gomez seconded the motion and it passed unanimously. (4-0)

III. Budget Presentation

The budget presentation by Cara Tuzeo, OSBM, was deferred to a meeting later in the year.

IV. Legislative Update

Robert Meyers provided the Ethics Commission an update on the ethics ordinances currently under review by the Board of County Commissioners.

V. State-Wide Grand Jury on Public Corruption

Michael Murawski informed the Ethics Commission of the recently-constituted statewide grand jury on public corruption.

VI. Executive Director's Report

Robert Meyers briefed the Ethics Commission on the search for a new ethics commissioner, the possibility of ethics training for non-profit agencies and future outreach activities.

VII. Public Comments

There were ten members of the public who addressed the Ethics Commission.

VII. Complaints 09-24, 29, 31, 33, 35-39, 10-02 to 08, 10, Subpoenas

The Ethics Commission went into executive session at 11:12 a.m. to hear the complaints. Upon returning to open session at 12:40 p.m., the Ethics Commission took the following action:

C 09-24: Commissioner Abdo-Gomez moved to dismiss the complaint for lack of probable cause. Commissioner Addy seconded the motion and it passed unanimously. (4-0)

C 09-29: Commissioner Abdo-Gomez moved to grant the Joint Motion for Continuance. Commissioner Addy seconded the motion and it passed unanimously. (4-0)

C 09-31: Commissioner Abdo-Gomez moved to grant Advocate's Motion to Dismiss without Prejudice. Commissioner Addy seconded the motion and it passed unanimously. (4-0)

C 09-38: Commissioner Abdo-Gomez moved to dismiss the complaint for lack of probable cause. Commissioner Addy seconded the motion and it passed unanimously. (3-0, Rosenthal abstaining)

C 10-02: Commissioner Abdo-Gomez moved to dismiss the complaint for lack of probable cause. Judge Gelber seconded the motion and it passed unanimously. (3-0, Addy abstaining)

C 10-03: Commissioner Abdo-Gomez moved to dismiss the complaint for lack of probable cause. Judge Gelber seconded the motion and it passed unanimously. (3-0, Addy abstaining)

C 10-04: Commissioner Abdo-Gomez moved to dismiss the complaint for lack of legal sufficiency. Judge Gelber seconded the motion and it passed unanimously. (3-0, Addy abstaining)

The Ethics Commission went back into closed session at 12:45 p.m. Upon returning to open session at 1:30 p.m., the Ethics Commission took the following action:

C 09-33: Commissioner Abdo-Gomez moved to find probable cause. Commissioner Addy seconded the motion and it passed unanimously. (3-0)

C 09-35: Commissioner Abdo-Gomez moved to grant Advocate's Motion to Dismiss the Complaint. Commissioner Addy seconded the motion and it passed unanimously. (3-0)

C 09-36: Commissioner Abdo-Gomez moved to grant Advocate's Motion to Dismiss the Complaint. Commissioner Addy seconded the motion and it passed unanimously. (3-0)

C 09-37: Commissioner Abdo-Gomez moved to grant Advocate's Motion to Dismiss the Complaint. Commissioner Addy seconded the motion and it passed unanimously. (3-0)

C 09-39: Commissioner Abdo-Gomez moved to grant Respondent's Motion for Continuance. Commissioner Addy seconded the motion and it passed unanimously. (3-0)

C 10-05: Commissioner Abdo-Gomez moved to dismiss the complaint for lack of probable cause. Commissioner Addy seconded the motion and it passed unanimously. (3-0, Gelber abstaining)

C 10-06: Commissioner Abdo-Gomez moved to accept proposed settlement agreement between the Office of the Advocate and the Respondent. Commissioner Addy seconded the motion and it was approved unanimously. (3-0)

C 10-07: Commissioner Abdo-Gomez moved to dismiss the complaint for lack of legal sufficiency. Commissioner Addy seconded the motion and it passed unanimously. (3-0)

C 10-08: Commissioner Abdo-Gomez moved to dismiss the complaint for lack of legal sufficiency. Commissioner Addy seconded the motion and it passed unanimously. (3-0)

C 10-10: Commissioner Abdo-Gomez moved to dismiss the complaint for lack of legal sufficiency. Commissioner Addy seconded the motion and it passed unanimously. (3-0)

The Ethics Commission approved the subpoenas requested by the Office of the Advocate.

XIII. Adjournment

There being no other business, Chairman Rosenthal adjourned the meeting at 1:33 p.m.

Kerry Rosenthal, Chairman