



For Immediate Release: October 28, 2010
Contact: Robert Meyers, Executive Director
(305) 350-0613 or rmeyers@miamidade.gov

Complaints dismissed against city commissioners and candidates

The Miami-Dade Commission on Ethics and Public Trust today dismissed a complaint (**C 10-34**) filed against Miami City Commissioner Marc Sarnoff that accused him of using his position to thwart the enforcement of a possible land use violation, finding no probable cause to the charge. The accusations were filed in August by three citizens who claimed the commissioner violated a permit allowing him to operate his law practice out of a residential property, and then alleged city officials gave Sarnoff special treatment while investigating the charge. Ethics Commission investigators determined that Sarnoff was cited with a notice of violation and corrected it within the allotted time. A charge against City Code Enforcement Director Sergio Guadix was found “not legally sufficient” and was also dismissed.

No probable cause was determined in a complaint (**C 10-35**) against Miami Lakes Councilwoman Nancy Simon, who was accused of failing to disclose a gift and engaging in a conflict of interest by voting on the contract for Town Attorney services at the same time the hired law firm was representing her in an earlier ethics complaint. Miami Lake’s Legal Representation Policy provides defense for action taken against office holders in connection with their official duties. Therefore, the Ethics Commission determined that the legal defense could not be considered a “gift,” and since the Legal Representation Policy was approved by the council and that allowed the Town Attorney to represent Ms. Simon, there was no conflict in her vote to continue the contract. The case was dismissed.

No probable cause was found to a complaint (**C 10-33**) filed against a Miami Gardens city council candidate by the loser in the race and was dismissed. Ulysses Harvard accused Oliver Gilbert of violating the Voluntary Fair Campaign Practices Statement by making disparaging remarks while the two were at the North Dade Regional Library during early voting in August, and for wrongly citing an endorsement. Ethics Commission investigators found that the verbal exchange was between the two candidates and could not be considered “campaign materials” and that the endorser in question did agree to support Gilbert.

A complaint (**C 10-36**) filed by one candidate for Sunny Isles Beach City Commission against another was dismissed after no probable cause was determined. Jeanette Gatto accused Robert Welsh of violating the Voluntary Fair Campaign Practices Statement by pointing out that certain politicians did not sign the pledge. However, there is nothing in the Fair Practices statement prohibiting that. The complainant also alleges that the wife of Welsh’s former campaign treasurer removed Gatto’s campaign flyers posted between the elevators at Winston Towers. Hilda LoCastro, who is a resident of the building, admitted taking them down, but said she did so because the flyers violated homeowner association rules and there was no evidence that she worked for -- or at the direction of -- any campaign.

A former official of the Miami-Dade Animal Services Department has settled a complaint (**C 10-23**) levied against her. Raquel Cruz-Pino was a Code Enforcement Collection Manager when she was accused of violating the Conflict of Interest and Code of Ethics Ordinance for continuing to use a County pool vehicle as a “take home” car after being instructed to turn it in. As part of the negotiated settlement, Cruz-Pino agreed to pay a fine of \$500 and restitution of \$1,143.69 for

County gasoline and payment of tolls. Another charge – using her position to cancel citations for failing to vaccinate and obtain a license tag for her dog – was dismissed as part of the agreement.

Probable cause was found that two people who registered to lobby in Miami-Dade County in 2007 didn't file Lobbyist Expenditure Statements as required by July first of the following year. After failing to respond to reminders and notices sent by the County Clerk's office and the Ethics Commission, complaints were filed against Domenic Massari (**C 10-32**), who represented SolarDiesel Corporation, and Willis Howard II (**C 10-37**), who registered as a lobbyist on behalf of North Miami Outdoors, Inc. In a similar case, Eric Jackson (**C 10-28**), who registered as a representative of Telefax Medical, submitted his form for 2007 and paid \$250 dollars to settle the complaint.

A sales manager for a drug company requested an exemption from the requirement that she register as a lobbyist and a refund of the annual fee. Lizzette Torrico says she meets with physicians and other health care professionals associated with the Public Health Trust to educate them on the use of medications produced by Hill Dermaceuticals, Inc. The Ethics Commission opined (**in RQO 10-28**) that the Conflict of Interest and Code of Ethics Ordinance's definition of a lobbyist, which includes anyone who seeks to influence purchasing decisions, encompasses sales representatives such as Torrico. Commissioners determined she is not entitled to a refund of the registration fee. However, because Torrico just received admittance to JMH, but can't get appointments with the medical staff before the end of this year, they will recommend that the County Clerk carry over the lobbying fee of \$490 to 2011.

The Ethics Commission issued two opinions related to URS Corporation, which contracts with several Miami-Dade County departments. In **RQO 10-26**, the company asked if it may bid on design services for runway renovations at Miami International Airport, even though URS has been asked to develop the project book that specifies the work being sought. The Ethics Commission opined that the Conflict of Interest and Code of Ethics Ordinance permits URS to prepare the project book and bid on the solicitation, as long as the firm doesn't take part in evaluating the bids. In **RQO 10-27**, VM Construction, Inc., which is proposing to design and build chlorination and emergency generation systems at two water treatment plants, asks if a former employee of URS may serve on the project team. URS worked on designs for similar plants for the Water and Sewer Department in 2007, but the engineer did not perform any work on the design criteria. The Ethics Commission ruled he does not have a competitive advantage over any other proposer and, therefore, may be included with the team proposing a bid on the new project.

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, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

###