



For Immediate Release: July 20, 2010  
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### **Public Reprimand issued to former Mayoral official; New Ethics Commissioner installed**

As part of the settlement agreement approved last month with Miami-Dade Police Sergeant Denis Morales over charges he exploited his official position when he was chief of staff for Mayor Carlos Alvarez, the Ethics Commission today issued him a Public Reprimand. Morales has been demoted from his previous position and remitted a fine of \$1,500 for the misappropriation of 40 hours of paid leave in March of 2009, while he was earning outside income teaching in Panama. Morales pleaded no contest to allegations in **Complaint 10-25** that he violated the County's Conflict of Interest and Code of Ethics Ordinance by citing earned leave for overtime work long after it expired, exempting himself from standard leave procedures and destroying payroll records. In mentioning the violations, the Reprimand notes, "Nothing serves to undermine the public's trust more than arrogant government officials acting as if the laws and rules do not apply to them." The letter calls Morales' scheme "petty and shameful" and reminds him, "...his job is to serve the public and to safeguard their assets, not to exploit his position for his own benefit and financial gain."

Probable cause was found to a complaint (**C 10-23**) against an official of the Miami-Dade Animal Services Department for failing to follow the agency's rules for her own pet. Raquel Cruz-Pino, a Code Enforcement Collection Manager, is accused of using her position to cancel citations for failing to vaccinate and obtain a license tag for her dog. She is also 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. The case may proceed to a public hearing or result in a negotiated settlement.

Is public testimony by a recently departed official in a quasi-judicial proceeding a violation of the so-called "two year rule" limiting lobbying by former employees? That was the request for opinion (**RQO 10-19**) on behalf of Robert Solera who left as Director of the Community Development Department in Sunny Isles Beach a little more than a year ago. Solera was called as a witness by representatives of Temple B'Nai Zion during debate over its possible historic preservation designation. Solera is not associated with the Temple and is not being compensated for his testimony. The Ethics Commission ruled that, under County law, former government employees are NOT lobbying when they testify in publicly noticed quasi-judicial proceedings, and therefore, would not violate the prohibition on appearing before the same government within two years following their separation. The Sunny Isles Beach lobbying ordinance differs from the County's, and a separate request for opinion would be needed to address its applicability.

A Key Biscayne Village Council Member sought an official opinion (**RQO 10-20**) whether he has a conflict of interest in attempts to rezone the site of the former Sonesta Hotel, as the owners allege. Dr. Michael Kelly lives in one of 55 single family homes immediately west of the beach front land and has proposed restrictions that would reduce the density from what is currently allowed, if a different site plan is submitted. Several high-rise buildings are also adjacent to the property, and the number of nearby residents totals approximately 1,500. The Ethics Commission opined that

Councilman Kelly does not have a conflict and may vote on the rezoning because he doesn't have a relationship with those involved in the redevelopment and he will not be affected by the vote differently from the general public.

The newest member of the Ethics Commission took the oath of office from the Chief Judge of the Eleventh Circuit, Joel Brown, before considering today's agenda. **Nelson Bellido** is a partner in the Coral Gables-based law firm, Concepcion, Sexton & Martinez, P.A., and previously served with the Miami-Dade State Attorney's Office from 1993 to 1997. Bellido said he had a strong commitment to public service and was honored to be appointed to the post.

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.

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Caption to attached photo: **New Ethics Commission Nelson Bellido (left) takes the oath of office from Chief Judge Joel Brown.**