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Miami's CFO Settles Ethics Complaint

The Chief Financial Officer for the City of Miami has settled charges that he violated the Conflict of Interest and Code of Ethics Ordinance for failing to file the required financial disclosure forms for the past three years – 2007, 2008 and 2009. Larry Spring agreed to pay a fine of \$500 to the Miami-Dade Commission on Ethics and Public Trust for the first count of the complaint (**C 11-02**), will accept a letter of instruction and will provide proof that he has filed accurate financial statements for the three years to satisfy the remaining counts.

A final count in a complaint (**CO 09-11**) against South Miami City Commissioner Valerie Newman was dismissed with prejudice today. Former City Manager W. Ajibola Balogun accused Newman of violating that city's Code of Conduct. Earlier this year, the Ethics Commission concluded there was insufficient evidence to proceed on Counts 2 through 10. The remaining first count charged the commissioner of repeatedly using threatening and intimidating language, but that was difficult to prove. Additionally, the City's Code of Conduct was repealed last June. The Ethics Commission will send a Letter of Instruction regarding elected officials' behavior, as outlined in the Citizen's Bill of Rights.

The Ethics Commission revisited a settlement agreement with a one-time North Bay Village City Commissioner who died in February. George Kane was accused of violating the Conflict of Interest Ordinance for his role in locating a site for a new city hall complex. The settlement (**C 09-33**) required him to turn over any real estate commission stemming from the city lease to the North Bay Village general fund. His attorney asked that any funds due from the transaction instead be passed on to his surviving family members, but that request was denied.

A complaint (**C 11-04**) against an advisory board member who failed to file the required financial disclosure form was dismissed with prejudice today after the respondent complied. Luis E. Garcia served on the City of Miami Waterfront Advisory Board in 2008 but neglected to provide the required documentation by the July 1, 2009, deadline. Garcia was fined \$100 for costs of processing the investigation. A similar complaint (**C 11-05**) was filed against Nathaniel Belcher who, after serving on Miami's Parks and Recreation Advisory Board, moved out of state and did not receive notices about his financial statement. Once alerted to the requirement, Belcher completed the form and the case was dismissed with prejudice.

The Ethics Commission dismissed with prejudice a complaint (**C 11-03**) of unregistered lobbying by a representative who was paid to appear before the Miami City Commission last year but failed to register as required by City Code. Susan Trench was notified twice by the City Clerk's Office of the requirement, and then the matter was turned over to the Ethics Commission. After the complaint was filed, Trench complied by taking the City's required course in lobbying, registering and paying the fee. She was assessed \$250 in enforcement costs.

A lobbyist who registered in the City of Miami Beach in 2008 but failed to file a Lobbyist Expenditure Statement by the October 1, 2009, deadline agreed not to contest the complaint (**C 11-08**) filed against him. Derek Sanders, who represented Southpointe Heights, LLC, filed the 2008 form 531 days late. In the process of resolving that case, he also filed his 2009 Lobbyist Expenditure Form 161 days late. Sanders agreed to pay a fine of \$500 as part of the settlement.

A complaint (**C 11-10**) filed against an advisory board member for not properly completing her financial disclosure form was dismissed after the Ethics Commission determined the allegations do not rise to the level of a violation. Allison Robie, a member of the Miami-Dade Commission for Women, did file the required form on time even though one portion was incomplete. Since she is allowed to amend the form, the complaint was dismissed.

A whistleblower complaint (**C 11-01**) filed by an engineer in the Miami-Dade Water and Sewer Department was dismissed because it was legally insufficient. Francisco Fuentes believed his position was eliminated after he complained about the outside employment of the agency's assistant director. He was demoted on November 11, 2010, and filed the complaint January 26, 2011. The Employee Protection Ordinance requires that such a complaint be filed no later than 60 days after the adverse personnel action.

A whistleblower complaint (**C 11-11**) filed by an employee of Animal Services was also dismissed because it was deemed legally insufficient. Cassandra Avila alleged that several employees of the agency retaliated against her for complaints regarding the euthanasia of animals. Avila was terminated from her position in January for poor performance. Since Avila did not file a complaint to any entity other than her own department, she has no recourse under the Employee Protection Ordinance.

Requests for Opinion

A Request For Qualifications (RFQ) related to a project that would demolish the existing roof at the former Concourse A at Miami International Airport and redesign it as part of the North Terminal Development program, resulted in letters from thirty firms seeking clearance from the Ethics Commission to participate. The architectural and engineering companies have played a past role in the construction of the North Terminal by working for the Miami-Dade Aviation Department, Parson-Odebrecht Joint Venture, American Airlines, or their contractors or consultants, since the massive project began in 1997. Even though some may have been involved in prior studies related to roofing conditions at MIA, the Ethics Commission responded in **RQO 11-09 and 11-10** that related planning work does not constitute a conflict of interest and the firms may respond to the RFQ.

A Consultant Selection Coordinator for Miami-Dade's Office of Capital Improvements sought an advisory opinion (**RQO 11-11**) on whether her husband may accept a job with an engineering firm that frequently seeks County contracts. The Ethics Commission ruled that Amelia Cordova-Jiminez's spouse *may* work for the company as long as he does not have a controlling financial interest in the corporation. The opinion also states that she should not serve as a selection coordinator on those projects in which her husband's employer is bidding because her financial interests may be indirectly affected by her official actions.

Atkins North America, which is under contract as Program Management Consultant for the Port of Miami until April 30th, *may* respond to a Request for Proposal solicitation for construction engineering and inspection services for the Seaport's Wharf Strengthening Program that is expected to begin in August. The Ethics Commission opined in response to **RQO 11-12** that as long as Atkins has concluded any work related to its current contract, the firm is not prohibited from future work.

Also seeking to bid on the multi-phase project for strengthening cargo wharves and bulkheads is the Seaport's current bond engineer, URS Corporation. In its response to **RQO 11-13**, the Ethics Commission determined that URS may NOT provide construction engineering and inspections services as long as the firm continues to serve as bond engineer.

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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