



For Immediate Release: May 31, 2012
Contact: Joseph Centorino, Executive Director
(305) 350-0613 or centori@miamidade.gov

Newly elected City Commissioner faces ethics charges

The Miami-Dade Commission on Ethics and Public Trust (COE) today found probable cause existed that a newly elected South Miami City Commissioner violated the County Ethics Code (**C 12-25**). The case, filed by South Miami City Manager Hector Mirabile, alleged that Commissioner Robert Welsh spoke with two bidders about a pending city contract. A procurement rule prohibits elected officials from engaging in oral communications with bidders prior to the City Manager's formal recommendation to the City Commission of the highest ranked bidder. In this case, Welsh is alleged to have met face-to-face with bidders in early April, weeks before the City Commission meeting of April 17th, when a formal recommendation regarding the project was made. Having found probable cause, the Ethics Commission will schedule the case for a public hearing at an upcoming meeting.

A Palmetto Bay Village Councilwoman was accused of violating the Ethics Code when she voted to deny a rezoning request by Palmer Trinity School (**C 11-32**). The complaint alleged that because Councilwoman Joan Lindsay was actively involved in barring the school's expansion prior to her election in July 2011, she should not have voted on the matter. The complaint also cited the close proximity of the Councilwoman's home to the school and her being named as a party to a lawsuit against the school. The County Ethics Commission had delayed action on the matter pending the resolution of an identical complaint filed with the Florida Commission on Ethics. Earlier this month, the Florida Commission on Ethics dismissed the case for lack of probable cause. Since the legal provisions in the state and county ethics codes are substantially the same, the Miami-Dade Ethics Commission also dismissed the complaint, reasoning that the public interest would not be served by proceeding further.

A complaint filed against Miami Mayor Tomas Regalado for failing to report a trip to Peru as a gift was dismissed for lack of probable cause (**C 12-26**). The mayor's travels in March were funded by the Latin Builders Association and the Greater Miami Chamber of Commerce. Under gift disclosure rules, the deadline for reporting a gift is at the end of the calendar quarter that follows receipt of the gift. In this case, the Mayor was found to have not violated the disclosure rule because the gift is not due to be reported until June 30th.

The Ethics Commission found no probable cause existed that Homestead City Councilman Stephen Shelley violated the County Ethics Code when he voted to award a city contract to businesses that are owned by the landlords from whom he rents office space (**C 12-15**). A landlord-tenant relationship is not specifically cited as a potential conflict in the ordinance, and an investigation did not find any evidence that Shelley received any benefit as a result of voting to award the contract. In order to avoid the appearance of impropriety in the future, however, the Ethics Commissioners suggested that elected officials may wish to consider refraining from voting in similar circumstances.

The former director of the Office of Capital Improvement Projects in Miami Beach sought advice on post-employment restrictions related to his serving as a private subcontractor on a city project (**RQO 12-09**). Charles O. Carreño, who left his city post on December 31, 2010, is prohibited from actions involving lobbying and related activities in Miami Beach for two years following his city employment. In general, Carreño is prohibited from attempting to influence any official

decisions made by city officials and staff, but he may respond to technical questions posed by city officials and participate in routine administrative matters involving staff.

A manager for the Miami-Dade County Parks & Recreation Department, who recently obtained permission to engage in private outside employment, asked if he may meet with County staff to obtain information on behalf of his private clients (**RQO 12-10**). Zafer Ahmed explained that a private client, who has been cited by the county with building code violations, has asked Ahmed to assist him with compliance issues. The Ethics Commission found that the County Ethics Code prohibits government employees from appearing before County staff on behalf of a third party seeking a benefit from the County. Noting that any interaction could give the appearance of cronyism or an unfair advantage, Ahmed was therefore advised that he may not meet with County staff regarding any matters involving his private clients.

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.

###