

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of April 11, 2013

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on April 11, 2013. Present were Commission Vice-Chair Nelson Bellido, Commissioner Kerry Rosenthal and Commissioner Lawrence Schwartz. Also present were Joe Centorino, Executive Director; Michael Murawski, Advocate; Miriam Ramos, Deputy General Counsel; Victoria Frigo, Senior Staff Attorney; Rhonda Victor Sibilia, Communications Director; Rachele Cedeno Ross, Administrative Legal Clerk; Palmetto Bay Village Attorney Eve Boutsis and Ignacio Lizama of CDM Smith.

The meeting was called to order at 10:01 a.m. A quorum was present.

I. Approval of Minutes from March 20, 2013

Commissioner Lawrence moved to approve the minutes. The motion was seconded by Commissioner Rosenthal and passed unanimously (3-0).

II. Request for Opinion

Staff Attorney Victoria Frigo presented a Letter of Instruction following last month's non-binding opinion (**RQO 13-03**) regarding a food and beverage contract at the Miami Beach Convention Center. It provided proposed language for use in future contracts that would give the COE the authority to opine on organizational conflicts of interest. The Letter, which will be sent to County and municipal attorneys and heads of procurement, also explains who may request an opinion and when. The Ethics Commission will determine organizational conflicts based on standards established by the Federal Acquisition Regulation, which prohibits a government contractor from being awarded any contract in which its independence of judgment might be impaired. Commissioner Rosenthal moved to approve the Letter. It was seconded by Commissioner Schwartz and unanimously approved (3-0).

The attorney for the Village of Palmetto Bay asked in **RQO 13-04** if attorneys who have contributed to the political campaigns of Palmetto Bay Council members may participate in settlement meetings arising from quasi-judicial proceedings. The Village Charter prohibits individuals from lobbying for four years after they donate to candidates. Ms. Frigo recommended that, since the Palmetto Bay Village Code specifically excludes attorneys who appear at quasi-judicial proceedings from the definition of lobbyist, they may also participate in related settlement meetings. Commissioner Rosenthal moved to approve the recommendation. It was seconded by Commissioner Schwartz and unanimously approved (3-0).

A local engineering firm that made recommendations for a master plan to upgrade Miami-Dade County's water treatment facilities requested an opinion as to whether it may offer a design-build plan to install a 48-inch water main at the Alexander Orr plant. CDM Smith, Inc. was advised in 2007 by an earlier RQO (**RQO 07-43**) that it could bid on the Professional Services Agreement to develop the master plan as long as the company was not ultimately responsible for recommendations at the Orr facility, where it had the engineering services contract. Since the Water and Sewer Department, not the firm, made the recommendation for the upgrade, the recommended response to **RQO 13-05** was that CDM Smith has no conflict providing plans for the new water main.

Commissioner Schwartz moved to approve the recommendation. It was seconded by Commissioner Rosenthal and unanimously approved (3-0).

III. Section 8 Requests

Commissioner Rosenthal moved to approve one contract involving a Water and Sewer Department employee seeking to become a Section 8 landlord. Commissioner Schwartz seconded the motion, and it passed unanimously (3-0).

IV. Monthly Summary of Inquiries

A summary of Inquiries issued since the last meeting was presented to the Commissioners for review.

V. Miami Beach Lobbyist Appeals

Deputy General Counsel Miriam Ramos presented appeals from ten lobbyists who were late filing their expenditure statements with the city of Miami Beach. She recommended waiving the fee for nine of them, who responded when notified, and reducing the fee for the tenth. Commissioner Rosenthal moved to approve the recommendation. It was seconded by Commissioner Schwartz and passed unanimously (3-0).

VI. Executive Director's Report

Miriam Ramos thanked those Commissioners who provided comments on the proposed Rules of Procedure and said she would send out a revised version for consideration at the May meeting.

Joseph Centorino announced that the contract for employee training with the city of Miami Beach has been approved by all parties and that preliminary steps to proceed are now underway. He shared the County Clerk's distribution plan for tickets to the County's club box for Miami Marlins games for the 2013 season, noting the implementation of the ticket policy approved by the Ethics Commission last year. He also noted that more than 100 people have registered for the Public Corruption Investigation Conference so far.

Mr. Centorino announced that, after culling through more than 100 applications, two former Miami Herald journalists, Robert Steinback and Lawrence Lebowitz, have been hired and will join the investigative staff in early May. He said the agency had received more than 40 applications for a part-time attorney and hoped to announce a candidate for that position at the next meeting.

VII. Public Comments

There were no public comments

VIII. Complaints

The Ethics Commission convened in closed session at 10:43 a.m. Upon returning to open session at 11:02 a.m., the Commission took the following actions:

Found Probable Cause in a complaint (**C 13-05**) against Linda Scarcell, a member of the Coral Gables Advisory Board on Disability Affairs in 2010, who failed to file the required source of income statement. Commissioner Rosenthal made the motion. It was seconded by Commissioner Schwartz and unanimously approved (3-0).

Dismissed with prejudice two complaints filed against individuals who served on Coral Gables advisory boards in 2010 but failed to file source of income statements. Alberto Menendez (**C 13-07**), who was a member of the Coral Gables Emergency Management Board, and Enrique Lopez (**C 13-08**), who was on the Coral Gables Green Task Force, finally provided the required paperwork. Commissioner Rosenthal made the motions. They were seconded by Commissioner Schwartz and unanimously approved (3-0).

IX. Old Business

There was no old business.

X. Adjournment

There being no further business before the Ethics Commission, Commissioner Schwartz moved to adjourn. The motion was seconded by Commissioner Rosenthal and it passed unanimously (3-0). The meeting adjourned at 10:51 a.m.