

# MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

## Meeting of August 8, 2013

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on August 8, 2013. Present were Commission Chair Charlton Copeland, Commission Vice-Chair Nelson Bellido, Commissioner Dawn Addy and Commissioner Kerry Rosenthal. Also present were Joe Centorino, Executive Director; Michael Murawski, Advocate; Miriam Ramos, Deputy General Counsel; Victoria Frigo, Senior Staff Attorney; Gilma Diaz-Greco, Staff Attorney; Rhonda Victor Sibilia, Communications Director; and Rachelle Cedeno Ross, Executive Secretary. Guests included: Simon Steckel, Michael Band and Ben Kuehne, attorneys; Melissa Sanchez, Miami Herald; Maria Perez, El Nuevo Herald; and Al Crespo. The meeting was called to order at 10:05 a.m. A quorum was present.

### I. Approval of Minutes from July 11, 2013

Commissioner Rosenthal moved to approve the minutes. The motion was seconded by Commissioner Addy and passed unanimously (4-0).

### II. Section 8 Requests

Commissioner Rosenthal moved to approve one contract involving a County employee seeking to become a Section 8 landlord. Two applications were from public school teachers for which the COE does not have jurisdiction. One was from a Doral city employee for which approval is not required. Commissioner Addy seconded the motion and it passed unanimously (4-0).

### III. Monthly Summary of Inquiries

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

### IV. Miami Beach Lobbyist Appeals

Deputy General Counsel Miriam Ramos presented appeals from four lobbyists who were late filing their expenditure statements with the City of Miami Beach. She recommended waiving the penalties for all. Commissioner Addy moved to approve the recommendation. It was seconded by Commissioner Rosenthal and passed unanimously (4-0).

### V. Executive Director's Report

Deputy General Counsel Ramos reviewed the latest changes to a revision of the Rules of Procedure. Commissioner Addy made a motion to approve the revised Rules. It was seconded by Commissioner Rosenthal and unanimously approved (4-0).

Executive Director Joseph Centorino announced that more than 60 volunteers had registered to take part in "Ethical Governance Day 2013," on October 22nd and noted that it was formerly endorsed by the Miami-Dade County School Board the day before (Aug. 7).

Community Outreach Coordinator Robert Thompson presented a report on the number and types of outreach activities conducted by COE staff during the past year.

## VI. Public Comments

**Al Crespo** questioned if there had been ethics training for the two mayors and two lobbyists arrested earlier in the week and suggested the Ethics Commission revise its rules to require attendance and limit the terms of commissioners.

## VII. Complaints

Following presentations by Attorneys Simon Steckel and Michael Band regarding the wording of the Letter of Instruction for **C 12-31** to South Miami Police Chief Orlando Martinez de Castro, Commissioner Bellido made a motion to adopt an amendment by Commissioner Rosenthal to incorporate the settlement order and insert the word “knowingly” in paragraph ten. Commissioner Addy seconded the motion and it was unanimously approved (**4-0**).

A settlement agreement was presented for a complaint (**C 13-02**) against Jose Luis Castillo and Juan Mayol, who registered as lobbyists in Cutler Bay, but failed to disclose in writing all contacts, which is required by a town ordinance. Since the complaint was first filed, Castillo and Mayol have submitted written disclosures of their lobbying activities and have complied with the ordinance. Commissioner Addy made the motion to approve the settlement in which the two do not contest the charges, agree to accept a Letter of Instruction and each pay a \$250 fine. The motion was seconded by Commissioner Rosenthal and unanimously approved (**4-0**).

A Letter of Instruction was presented regarding **C 13-10** after Miami’s Public Facilities Director, Henry Torre, agreed last month not to fight allegations he violated the “reverse two-year rule” of the Conflict of Interest and Code of Ethics Ordinance. The Letter, directed to Miami City Manager Johnny Martinez, advised city leaders to consider the Ethics Ordinance when hiring and to contact the Ethics Commission if there is any question about how the Code should be interpreted. Commissioner Addy made the motion to approve the Letter. It was seconded by Commissioner Rosenthal and unanimously approved (**4-0**).

The Ethics Commission convened in closed session at 11:20 a.m. The commission returned to open session at 11:55 a.m. and took the following action:

Commissioner Kerry made a motion to find No Probable Cause to a complaint (**C 13-03**) alleging Miami Beach City Commissioner Edward Tobin violated that city’s Code of Ethics by interfering with last year’s hiring process for a new police chief, extending the application period for the Miami Beach Police Department and attempting to expedite the hiring of one individual by the MBPD. The motion includes writing a Letter of instruction to Commissioner Tobin regarding an elected official’s role in the hiring process. Commissioner Addy seconded the motion and it was unanimously approved (**3-0**; Commissioner Bellido recused).

The Ethics Commission again convened in closed session at 11:57 after Commissioner Addy departed. Upon return to open session at 12:21 p.m., the Commission took the following action:

Commissioner Rosenthal made a motion to decline to exercise jurisdiction in a complaint (**C 13-12**) filed by Cutler Bay Mayor Ed MacDougall against a lobbyist for the town, Fausto Gomez, whom he accused of violating the town charter by making a campaign contribution to a council member and not reporting it. The city council also had jurisdiction to act on the complaint, but when the issue came up at a recent council meeting, decided to take no action. The motion was seconded by Commissioner Bellido and unanimously approved (**3-0**).

Commissioner Rosenthal made a motion to accept a settlement agreement with two political leaders in North Bay Village who failed to report a gift after attending a Miami Heat game last December. Vice-Mayor Eddie Lim and Commissioner Jorge Gonzalez were the guests of a friend of Gonzalez and should have filed

gift disclosure forms by the end of March for the tickets that were valued between \$110-140 each. As part of the settlement to the complaints (**C 13-13 and C 13-14**), Lim and Gonzalez agreed to file gift disclosure forms, pay \$100 each in investigative costs and accept Letters of Instruction. The motion was seconded by Commissioner Bellido and unanimously approved (**3-0**).

Commissioner Rosenthal made a motion to dismiss for Lack of Legal Sufficiency in a complaint (**C 13-17**) filed against a private citizen, J. P. Morgan, for emailing inaccurate information attacking Miami Beach mayoral candidate Philip Levine. Morgan is not publicly affiliated with any campaign staff and is not registered with any political committee. Commissioner Bellido seconded the motion to dismiss the complaint and it was unanimously approved (**3-0**).

#### **VIII. Old Business**

There was no old business.

#### **IX. Adjournment**

There being no further business before the Ethics Commission, Commissioner Rosenthal moved to adjourn. The motion was seconded by Vice Chair Bellido and it passed unanimously (**3-0**). The meeting adjourned at 12:24 p.m.