

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of December 12, 2013

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on December 12, 2013. Present were Commission Chair Charlton Copeland, Commission Vice-Chair Nelson Bellido, Commissioner Dawn Addy, Commissioner Kerry Rosenthal and Commissioner Lawrence Schwartz. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Miriam Ramos, Deputy General Counsel; Gilma Diaz-Greco, Staff Attorney; Rhonda Victor Sibilia, Communications Director; and Rachelle Cedeno Ross, Executive Secretary. Also present: Al Dotson, Dusty Melton, Pedro Hernandez, Alfredo Gonzalez, Ben Kuehne, Kira Grossman, Ricardo Vieira, Mike Davis and Al Crespo. The meeting was called to order at 10:05 a.m. A quorum was present.

I. Approval of Minutes from November 14, 2013

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

II. Requests for Opinion

RQO 13-11 (continued from November meeting). Commissioner Rosenthal made a motion to accept the recommendation from the staff attorney that there were no clear guidelines in the specifications on the County's sewer repair project that prohibited a bidder from submitting additional information to selection committee members following the committee's initial ranking and prior to the second tier oral presentation. It was seconded by Commissioner Schwartz and unanimously approved (5-0).

RQO 13-12 Commissioner Rosenthal made a motion to accept the recommendation that persons appearing in video presentations for government contracts may not have to register as lobbyists under certain conditions. Those conditions include that the individual is not employed by or retained by the applicant, has no financial or other special interest in the project, is commenting solely on past experience with the firm applying for the contract and makes no reference to the current application. Commissioner Addy seconded the motion and it was unanimously approved (5-0).

III. Section 8 Requests

Commissioner Rosenthal moved to approve four contracts involving County employees seeking to become Section 8 landlords since none are employees of the Miami-Dade Public Housing and Community Development Department. Commissioner Addy seconded the motion and it passed unanimously (5-0).

IV. Monthly Summary of Inquiries

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

V. Executive Director's Report

Executive Director Joseph Centorino reported that more than 10,000 County employees had completed the on-line ethics training and distributed a *Miami Today* news story about it. He also noted the presentation of a four-hour training provided to County Commissioners under the requirements of a new state law. Mr. Centorino stated that vacant office spaces in County-owned buildings are being reviewed for a possible move, noting that such an action, if any, would be discussed further with the Commission prior to any commitment. He also reported on newly enacted legislation that requires all public boards to provide citizens a "reasonable opportunity to be heard," and said he would move the "public comments" section on the Ethics Commission meeting agenda to the second item (after approval of the previous meeting minutes) effective next month, to meet the requirements of the new law.

VI. Public Comments

Dusty Melton stated he was still waiting for a letter from the Ethics Commission explaining two different actions to similar complaints earlier in the year. Commission Chair Copeland assured him he would prepare a response before the next meeting.

Al Crespo commented on Sunshine Law application and on the public advocate.

VII. Complaints

A Letter of Instruction was presented for **C 12-35** following the settlement agreement approved last month for former North Miami Mayor Andre Pierre who admitted accepting free use of public parks for his private soccer club. The Letter refers to his soliciting use of the stadium and not reporting it as a gift, as an "improper act" that creates an appearance of impropriety that shakes the public's trust in their elected officials," and also resulted in a financial loss to the city. Vice-Chair Bellido made a motion to accept the Letter. It was seconded by Commissioner Addy and unanimously approved (**5-0**).

Public Advocate Michael Murawski and attorney Ben Kuehne reported that they agreed to continue a public hearing on **C 12-32** that began September 3, 2013, regarding Miami City Commissioner Frank Carollo, and would present possible dates next month.

The Ethics Commission convened in closed session at 11:23 a.m. The Commission returned to open session at 11:43 a.m. and took the following action:

Commissioner Rosenthal made a motion to find No Probable Cause to a complaint (**C 13-26**) against attorney Mitchell Bierman for submitting additional information as the lobbyist for CH2M Hill, as noted in RQO 13-11. The opinion found that neither the County's Cone of Silence ordinance nor bid specifications prohibited such submissions, so no violation occurred. The motion was seconded by Vice-Chair Bellido and unanimously approved (**5-0**).

Commissioner Rosenthal made a motion to refer **C 13-37** to the Office of the Inspector General to determine if probable cause exists. The motion was seconded by Commissioner Schwartz and unanimously approved (**5-0**).

Commissioner Rosenthal made a motion to approve a joint continuance of **C 13-38** until the February meeting. It was seconded by Commissioner Addy and unanimously approved (**5-0**).

Commissioner Rosenthal made a motion to find No Legal Sufficiency to a complaint (**C 13-39**) filed against the Mayor of Sweetwater by a former employee who complained that Mayor Jose Diaz refused to put on the City Commission agenda his appeal of his termination. Personnel matters are not within the Ethics Commission's jurisdiction. The motion was seconded by Commissioner Schwartz and unanimously approved (**5-0**).

Commissioner Rosenthal made a motion to accept the dismissal of a complaint (**C 13-40**) filed against a member of the Dial-A-Life Advisory and Oversight Board during 2010 who failed to file the required financial disclosure form. Luis De Jesus has since complied. The motion was seconded by Commissioner Addy and unanimously approved (**5-0**).

VIII. Old Business

Following last month's announcement that Mr. Copeland would step down as chair, Commissioner Schwartz nominated Vice-Chair Bellido for the position. Commissioner Addy seconded the nomination and it was unanimously approved (**5-0**). Commissioner Rosenthal nominated Commissioner Schwartz to serve as Vice-Chair. Commissioner Addy seconded the nomination and it was unanimously approved (**5-0**).

IX. 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 (**5-0**). The meeting adjourned at 11:47 a.m.

Prepared by Rhonda Victor Sibilia, Communications Director