

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of January 24, 2013

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on January 24, 2013.

Present were Commission Chair Charlton Copeland, Vice-Chair Nelson Bellido, Commissioner Dawn Addy, Commissioner Kerry Rosenthal and Commissioner Lawrence Schwartz. Also present were Joe Centorino, Executive Director; Michael Murawski, Advocate; Miriam Ramos, Deputy General Counsel; Victoria Frigo, Staff Attorney; Rhonda Victor Sibilia, Community Outreach Coordinator; Rachele Cedeno Ross, Administrative Legal Clerk; COE Investigator Breno Penichet; Miami City Commissioner Marc Sarnoff, his wife and his attorney, John Dellagloria; Downtown Development Authority Director Alyce Robertson; Miami Herald reporters Kathleen McGrory and Melissa Sanchez; Al Crespo; Miami Beach Police Major Angel Vasquez, his wife and attorney, Eugene Gibbons; and Robert Fiore.

The meeting was called to order at 2:07 p.m. A quorum was present.

I. Welcome of new Commissioner, Judge Lawrence Schwartz

Judge Schwartz, who was sworn into office the prior week by Chief Judge of the 11th Judicial Circuit, Joel Brown, was introduced and warmly welcomed to the Ethics Commission.

II. Special Recognition of Retiring Commissioner Judge Seymour Gelber

Chairman Charlton Copeland presented a plaque, honoring Judge Gelber for his two terms of service. It was accepted by his son, Dan Gelber, along with all of the Commissioners' comments on the value his father brought to the board.

III. Approval of Minutes from December 18, 2012

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

IV. Request for Opinion

Staff Attorney Victoria Frigo presented **RQO 12-14**, in which South Miami Police Chief Orlando Martinez de Castro asked if the City may continue to purchase police equipment from a company that employs his son. Lou's Police & Security Equipment has been a vendor with the city for more than two years. This past November, Christopher Martinez de Castro was hired as Lou's Vice President of International Sales. Ms. Frigo recommended that, because the son has no direct or indirect financial ownership in the company and will not be involved in the local contract, or profit from it, there is no prohibition against the police department continuing to do business with the firm. Vice Chair Bellido made the motion to approve the recommendation. It was seconded by Commissioner Rosenthal and approved unanimously (5-0).

Staff Attorney Frigo presented **RQO 12-15**, in which County Commissioner Lynda Bell asked if she may participate in hearings and vote on Florida Power & Light's Turkey Point zoning application now that her daughter is employed by the utility in an entry-

level, temporary position. Ms. Frigo suggested that, because Commissioner Bell does not have any relationships with FP&L that would directly benefit her, she is not prohibited from voting. However, her recommendation also noted that the Ethics Code provides minimum standards of conduct and does not address “appearance of impropriety” issues. Vice Chair Bellido made a motion to approve the recommendation. It was seconded by Commissioner Addy and unanimously approved (5-0).

V. Section 8 Requests

Vice Chair Bellido moved to approve six contracts involving County employees seeking to become Section 8 landlords. Commissioner Addy seconded the motion, and it passed unanimously (5-0).

VI. Monthly Summary of Inquiries

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

VII. Executive Director’s Report

Joseph Centorino presented a memo that has been distributed to all elected officials of Miami-Dade County and its municipalities which clarifies that they follow both local and state rules when they recuse themselves from voting on an issue because of a conflict of interest. The new procedure requires an elected official or advisory board member to announce that he or she has a conflict when that item comes up on an agenda, leave that portion of the meeting when the item is discussed and voted upon, and then, within 15 days of the vote, file a written disclosure of the nature of the conflict with the board clerk or whomever is responsible for recording the meeting minutes.

Mr. Centorino discussed an interlocal agreement with the City of Miami Beach for the Ethics Commission to provide more than 12 hours of ethics training to approximately 230 municipal employees for a fee of \$45,000. Commissioner Schwartz made the motion to approve the agreement. It was seconded by Commissioner Rosenthal and unanimously approved (5-0). The contract must still be approved by the Board of County Commissioners and the Miami Beach City Commission.

Mr. Centorino raised the concept of setting a regular day and time for the monthly meetings of the Ethics Commission. While that has been difficult to achieve in the past because of the Commissioners’ different professional responsibilities, it was informally agreed that setting a consistent meeting day and time would better serve the public and enable Commissioners to plan ahead. Mr. Centorino will poll the Commissioners for their preference and report back at the next meeting.

VIII. Public Comments

Al Crespo presented and discussed his written objections to the COE Advocate’s handling of complaints he has filed.

IX. Complaints

Proposed Letters of Instruction were presented for a complaint (**C 12-41**) against Miami City Commissioner Marc Sarnoff related to his travel to Brazil for activities associated with the Volvo Ocean Race last May. Sarnoff had not reported that The Greater Miami Convention and Visitor’s Bureau reimbursed him for a portion of his trip related to Bureau business or that race organizers reimbursed Sarnoff for his and his

wife's airfare. The Miami City Attorney had opined that, because the commissioner was in his official capacity, he did not need to report it. In the Letter of Instruction to the City Attorney, the Ethics Commission differentiated between a politician's official appearance at a public event and an all-expense-paid trip to a foreign locale. The other Letter advises Commissioner Sarnoff that a spouse's presence on a trip is a gift to him that should be reported. Commissioner Sarnoff's attorney, John Dellagloria, requested that Probable Cause be stricken from the record, but Advocate Michael Murawski argued against. Commissioner Rosenthal made a motion to approve the Letters as presented. It was seconded by Commissioner Schwartz and approved 3-2.

The Ethics Commission convened in closed session at 3:24 p.m. Upon returning to open session at 3:55 p.m., the Commission took the following actions:

Found No Probable Cause to a complaint (**C 12-38**) filed by Sunny Isles Beach Commission candidate Harvey Busch who alleged that incumbent Commissioner George Scholl threatened to disclose his filing for bankruptcy protection unless he withdrew from the race. The State Attorney's Office determined that there was no violation of Florida law since the information was a public record. And, since the information was factual, there was no violation of the Ethical Campaign Practices Ordinance. Commissioner Rosenthal moved to dismiss the complaint. The motion was seconded by Commissioner Addy and approved unanimously (5-0).

Found No Legal Sufficiency to a complaint (**C 12-47**) filed by North Bay Village Commissioner Jorge Gonzalez against Commissioner Richard Chervony for filing frivolous ethics complaints against him during last fall's campaign. Chervony sent several e-mails to the COE accusing Gonzalez of property tax violations, but none were filed as sworn formal complaints as required by the Code of Ethics Ordinance. Commissioner Addy made a motion to dismiss the complaint. It was seconded by Commissioner Rosenthal and unanimously approved (5-0).

Found No legal Sufficiency to a complaint (**C 12-48**) accusing an attorney of violating ethical standards of the Florida Bar. Commissioner Rosenthal made a motion to dismiss the complaint for lack of jurisdiction. It was seconded by Commissioner Addy and unanimously approved (5-0).

Found No Legal Sufficiency to a complaint (**C 12-49**) accusing Miami-Dade County Mayor Carlos Gimenez of exploiting his official position and violating the "convenient access" provision of the Citizens' Bill of Rights by not increasing early voting days prior to the November 6, 2012, election. While voters approved an amendment authorizing the COE to enforce penalties for violating the Bill of Rights, a County enabling ordinance has not yet been put into effect. Additionally, the mayor has no authority over early voting for state or federal offices. Commissioner Addy made a motion to dismiss the complaint. It was seconded by Commissioner Rosenthal and unanimously approved (5-0).

X. Old Business

There was no old business.

XI. Adjournment

There being no further business before the Ethics Commission, Commissioner Schwartz moved to adjourn. The motion was seconded by Vice Chair Bellido and it passed unanimously (5-0). The meeting adjourned at 3:59 PM.