

# MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

## Meeting of November 14, 2013

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on November 14, 2013. Present were Commission Chair Charlton Copeland, 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; Gilma Diaz-Greco, Staff Attorney; Rhonda Victor Sibia, Communications Director; and Rachelle Cedeno Ross, Executive Secretary. Guests included: Al Dotson, Miguel de Grandy, Prof. Anthony Alfieri, Mayor Phil Stoddard, Pedro Hernandez, Michael Doris, Pablo Tamayo, Steve Helfman and Al Crespo. The meeting was called to order at 10:00 a.m. A quorum was present.

### I. Approval of Minutes from October 10, 2013

Commissioner Schwartz moved to approve the minutes. The motion was seconded by Commissioner Rosenthal and passed unanimously (4-0 Copeland not yet arrived).

### II. Requests for Opinion

**RQO 13-11** originated in an ongoing dispute regarding solicitations for proposals for a company to oversee massive repairs to Miami-Dade's sewer system. The COE Executive Director recently provided a nonbinding advisory opinion requested by Mayor Carlos Gimenez, which found that the process leading to the recommendation for the award was seriously flawed. Legal questions concerning whether the County's Cone of Silence rule was applicable were presented to the full Ethics Commission for a binding opinion. The company that won the bid, CH2M Hill, had directly contacted members of the selection committee with a 400-page addendum to its original presentation prior to the second phase of the evaluation process. Representatives of the competing firm, AECOM Technical Services, Inc., complained that CH2M violated the "Cone of Silence" rules with that direct submission. Commissioner Rosenthal made a motion determining that members of a County selection committee are "officials" under the Cone ordinance, thereby making the direct submission permissible, provided that the County's bid documents did not specifically prohibit such contact. It was seconded by Commissioner Schwartz and unanimously approved (4-0).

The ruling on whether the documents prohibited the contact was deferred, pending additional information regarding recent Water and Sewer contracts.

### III. Section 8 Requests

Commissioner Rosenthal moved to approve two 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 Bellido seconded the motion and it passed unanimously (4-0).

### IV. Monthly Summary of Inquiries

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

## V. Lobbyist Appeals

Deputy General Counsel Miriam Ramos presented six appeals from lobbyists who registered in Miami Beach but were late in filing expenditure reports. She recommended waiving the fee for three and reducing the fine for the other three. Commissioner Rosenthal made a motion to approve the recommendations. It was seconded by Commissioner Bellido and unanimously approved (4-0).

## VI. Executive Director's Report

Executive Director Joseph Centorino reported that more than 300 guest speakers addressed students at more than 60 Miami-Dade senior high schools and one middle school during Ethical Governance Day 2013, and that the agency has received a great deal of positive feedback from participants. He also acknowledged staff's work in the event.

Mr. Centorino noted that staff will conduct a four hour training for County Commissioners and other constitutional officers to help fulfill a new state requirement for such on Nov. 21 that will cover Sunshine Law, Public Records, Florida and County Ethics Codes and the Citizens' Bill of Rights.

Chairman Charlton Copeland announced he would step down from his post but remain an Ethics Commissioner in anticipation of an extensive travel schedule during the next semester at the University of Miami. Ex. Dir. Centorino said election of a new chair would be on the agenda for the December meeting.

Mr. Centorino presented a plaque and all expressed gratitude and accolades to Senior Staff Attorney Victoria Frigo, who is retiring at the end of this month.

## VII. Public Comments

**South Miami Mayor Phil Stoddard** urged the board to accept the Advocate's proposal to dismiss C 13-30.

**Al Crespo** commented on the length of the hearing regarding RQO 13-11.

**Dusty Melton** requested a response to questions posed previously regarding the dissimilar treatment of respondents in C 13-18 and C 13-19.

[Commissioner Schwartz left the meeting at 12:19]

## VIII. Complaints

A settlement with former North Miami Mayor Andre Pierre over the free use of public parks for his private soccer club was presented. The complaint (C 12-35) charged that between October 2009 and January 2012, Mayor Pierre solicited free use of city-owned facilities without paying fees that are required by other similar groups, and that he neglected to disclose the value of the use of the soccer fields on financial disclosure forms. As part of the agreement, Pierre will accept a Letter of Instruction, pay a fine of \$500 and investigative costs of \$4,634.70 to the Ethics Commission, as well as reimburse the City of North Miami the amount of \$2,181.72. Commissioner Bellido made a motion to approve the settlement. It was seconded by Commissioner Rosenthal and unanimously approved (3-0).

The Ethics Commission convened in closed session at 12:21 p.m. The Commission returned to open session at 12:31 p.m. and took the following action:

Commissioner Rosenthal made a motion to find No Probable Cause to a complaint (C 13-23) filed against Coral Gables City Manager Patrick Salerno by John Baublitz, President of the Coral Gables Fraternal Order of Police. The union leader claimed that the city manager violated the truth in government provision of the Miami-Dade County Citizens' Bill of Rights by mischaracterizing the state of the city's finances by using dated figures during an impasse hearing in September of 2012. The investigation found that Salerno presented numbers based on the end-of-year reports for 2011, but that did not constitute "knowingly

omitting significant facts,” as alleged. Commissioner Bellido seconded the motion and it was unanimously approved **(3-0)**.

Commissioner Rosenthal made a motion to find as Not Legally Sufficient a complaint (**C 13-27**) filed by a private citizen, Larry Vincent Williams, against various city of Miami officials, alleging, among other things, discrimination, harassment and denial of due process. Commissioner Bellido seconded the motion and it was unanimously approved **(3-0)**.

Commissioner Rosenthal made the motion to settle the complaint (**C 13-28**) against a lobbyist who registered in Miami Beach two years ago but failed to complete the required expenditure form. Nicoletta Canesi will not contest the allegations and will pay \$100 for investigative costs. Commissioner Bellido seconded the motion and it was unanimously approved **(3-0)**.

Commissioner Rosenthal moved to find No Probable Cause to a complaint (**C 13-30**) accusing South Miami Mayor Philip Stoddard and Commissioner Bob Welsh of violating the Conflict of Interest and Code of Ethics Ordinance when they voted on a matter relating to former City Police Chief Orlando Martinez de Castro. The former chief’s attorney asked the pair to absent themselves from the discussion during the August 14, 2013, meeting because Martinez de Castro was taking legal action against each of the elected officials. The COE found that neither Stoddard nor Welsh had a conflict as defined by the Code, since the action of the City Commission would have no effect on the pending lawsuits. Commissioner Bellido seconded the motion and it was unanimously approved **(3-0)**.

Commissioner Rosenthal made a motion to find Not Legally Sufficient a complaint (**13-32**) filed by a private citizen, Jose Azze, against the City of Hialeah for mismanaging a contract with El Duke Sports Association, since none of the allegations fall within the Ethics Commission’s jurisdiction. Commissioner Bellido seconded the motion and it was unanimously approved **(3-0)**.

#### **IX. Old Business**

There was no old business.

#### **X. 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 12:33 p.m.

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Prepared by Rhonda Victor Sibilia, Communications Director