

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of September 12, 2013

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on September 12, 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: Dexter Lehtinen, Fred Sanchez, Edward Guedes, Mary Ferreiro, Jesus Suarez, Dusty Melton, Kathleen Phillips, J.C. Planas, Ben Kuehne, Mayor Luigi Boria and Al Crespo. The meeting was called to order at 10:04 a.m. A quorum was present.

I. Approval of Minutes from August 8, 2013

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

II. Requests for Opinion

RQO 13-08 advised Doral Mayor Luigi Boria to refrain from voting on or participating in any official matters involving a private company seeking to develop 17 acres of land in the city. The mayor's son and daughter used an estate gift from their father to purchase a combined 50% ownership in the firm, The Grand Floridian, but sold that and now hold a collateralized loan worth \$8 million dollars from the company's owner, Juan Carlos Tovar. Tovar also has a revolving line of credit with Mayor Boria's international computer distribution company. In order to avoid any appearance of impropriety, the opinion also advises administrators and Doral city staff to apply consistent and objective standards to any requests brought by The Grand Floridian related to its development. Commissioner Rosenthal made a motion to approve the opinion with one correction. It was seconded by Commissioner Schwartz and unanimously approved (4-0).

RQO 13-09 concerned the role a nurse manager, who is also president of a labor union, can play while the Cone of Silence is in effect during a request for proposals by the Public Health Trust. Commissioner Rosenthal made a motion not to accept the proposed opinion and return with a more limited inquiry related to the County ordinance. The motion was seconded by Commissioner Bellido and unanimously approved (4-0).

III. Section 8 Requests

Commissioner Rosenthal moved to approve five 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. Executive Director's Report

Deputy General Counsel Ramos presented proposed changes to the Ethics Commission By-Laws. A revised version will be sent to Commissioners for final review and approval at the next meeting.

Executive Director Joseph Centorino distributed the arrest report for Homestead Mayor Steve Bateman, noting that the case originated from this office. He also updated "Ethical Governance Day 2013," reporting 278 volunteers and more than ten organizational co-sponsors.

VI. Public Comments

Al Crespo commended staff for proposed By-Laws revisions, commented on the Carollo hearing delay and filed amended issues that he says had not been raised in the case, and delivered a new complaint.

VII. Complaints

A Letter of Instruction was presented for **C 13-03** regarding Miami Beach City Commissioner Edward Tobin's role in last year's hiring of a police chief. Following a request for deferral from the respondent's attorney, the matter was deferred to the next meeting.

Letters of Instruction to North Bay Village Vice-Mayor Eddie Lim and Commissioner Jorge Gonzalez, who settled complaints (**C 13-13 & C 13-14**) last month after they failed to report as gifts tickets to a Miami Heat game in December 2012, were presented. The Letters advise the politicians to abide by the requirement to report any gift received from someone other than a close friend or family member in excess of \$25 in value, as required by the North Bay Village Code. Commissioner Schwartz made a motion to accept the Letters as presented. It was seconded by Commissioner Bellido and unanimously approved (**4-0**).

The Ethics Commission convened in closed session at 11:33 a.m. The commission returned to open session at 11:55 a.m. and took the following action:

Commissioner Rosenthal made a motion to find No Probable Cause to a complaint (**C 13-15**) alleging that County Commissioner Sally Heyman violated the Citizen's Bill of Rights by not recognizing a citizen who wanted to speak during a June meeting she chaired. The agenda item was set for "discussion only," which does not require Commissioners to take public testimony. The complainant also questioned if it was proper for Heyman's coffee truck to sell refreshments at an annual festival at a County facility. Through her corporation, Heyman registered and paid the vendor application fee as other participants, so no violation was found. The motion was seconded by Commissioner Schwartz and unanimously approved (**4-0**).

Commissioner Rosenthal made a motion to find No Probable Cause to a complaint (**C 13-16**) against Miami Beach City Commissioner Jonah Wolfson, filed by a constituent who made three unsuccessful requests for an e-mail address list used to distribute a newsletter in recent years. His aide denied such a list existed, but after being contacted by Ethics Commission investigators, Commissioner Wolfson instructed his staff to work with Miami Beach's technology department and the records request was fulfilled. Commissioner Bellido seconded the motion, which included sending a Letter of Instruction to Commissioner Wolfson's legislative aide, and it was unanimously approved (**4-0**).

Commissioner Rosenthal moved to accept the Advocate's motion to dismiss a complaint (**C 13-20**) against Frantz Telfort who served on the Miami-Dade Community Small Business Enterprise Board during 2010 and 2011 but failed to file a Source of Income Statement for either year. He has since complied. The motion was seconded by Commissioner Schwartz and unanimously approved (**4-0**).

Commissioner Rosenthal moved to voluntarily dismiss a complaint (**C 13-21**) against Bruce Christensen, who failed to file a financial disclosure statement for his service on the Coral Gables Green Task Force in 2012, but has now complied. Commissioner Bellido seconded the motion and it was unanimously approved (**4-0**).

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

Commissioner Rosenthal moved to accept a proposed settlement with Stuart Sobel, who met with an assistant county attorney and sent letters to an airport procurement contract officer without registering to lobby on behalf of Mitsubishi. Sobel agreed to settle the complaint (**C 13-19**) by pleading no contest to one count, paying a \$500 fine and accepting a Letter of Instruction. The motion was seconded by Commissioner Bellido and unanimously approved (**3-0**; Comm. Schwartz recused).

Commissioner Rosenthal made a motion to dismiss a complaint (**C 13-18**) against Mitchell Bierman, who represented Mitsubishi in a bid protest, but was not officially registered to lobby for the company until four days later, agreeing with the Advocate's recommendation that because the violation was of minimal impact, the public interest would not be served by proceeding further. The motion was seconded by Commissioner Bellido and unanimously approved (**3-0**; **Comm.** Schwartz departed).

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 12:12 p.m.

Prepared by Rhonda Victor Sibilia, Communications Director