

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of April 16, 2014

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on April 16, 2014. Present were Commission Chair Nelson Bellido, Commissioner Dawn Addy and Commissioner Charlton Copeland. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Miriam Ramos, Deputy General Counsel; Gilma Diaz-Greco, Staff Attorney; Rhonda Victor Sibia, Communications Director; Robert Steinback and Breno Penichet, Investigators, and Rachelle Cedeno Ross, Executive Secretary. Also present: Dr. Judith Bernier, Inspector General Mary Cagle, Miami City Attorney Victoria Mendez with Assistant City Attorney George Wysong, Ben Kuehne, Michelle Delancy, Lumane Pluviose Claude, Councilwoman Sandra Ruiz, Lillian Ser, Dusty Melton, Miami Herald reporter Philippe Buteau, Phyllis W. Simpkins and several representatives of Majestic's Youth & Arts Academy. The meeting was called to order at 10:05 a.m. A quorum was present.

I. Approval of Minutes from March 13, 2014

Commissioner Addy moved to approve the minutes of March 13. The motion was seconded by Commissioner Copeland and it passed unanimously (3-0).

II. Public Comments

Pastor Terry Thomas spoke in support of Phyllis Simpkins and Majestic's Youth & Arts Academy.
Chanda Davis spoke in support of Phyllis Simpkins and Majestic's Youth & Arts Academy.
Dr. D.A. Edwards spoke in support of Phyllis Simpkins and Majestic's Youth & Arts Academy.
Laquette Padget spoke in support of Phyllis Simpkins and Majestic's Youth & Arts Academy.
Hillary Townsend spoke in support of Phyllis Simpkins and Majestic's Youth & Arts Academy.
Jewel Parham spoke in support of Phyllis Simpkins and Majestic's Youth & Arts Academy.
Phyllis Simpkins, executive director of Majestic's Youth & Arts Academy discussed her work and the circumstances concerning her appearance before a County Board.

III. Section 8 Requests

Commissioner Addy moved to approve four contracts involving County employees seeking to become Section 8 landlords since none is an employee of the Miami-Dade Public Housing and Community Development Department. Commissioner Copeland seconded the motion and it passed unanimously (3-0).

IV. Monthly Summary of Inquiries

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

V. Miami Beach Lobbyist Appeals

Deputy General Counsel Miriam Ramos proposed waiving the fines for 24 people who registered as lobbyists in the City of Miami Beach but neglected to file expenditure statements for a variety of legitimate excuses, and to fine Joaquín Vargas \$500 for failure to complete his report for the second year in a row. Commissioner Addy made a motion to approve the recommendation. It was seconded by Commissioner Copeland and unanimously approved (3-0).

VI. Executive Director's Report

Executive Director Joseph Centorino introduced Miami-Dade Inspector General Mary Cagle. She told commissioners she wanted to observe our process and looked forward to working together.

Mr. Centorino discussed the status of legislation (SB 1474/HB1315) that could impact local ethics commissions and said a potential compromise is in the works.

He said the program and slate of participants is now set for the Political Campaign Ethics Conference in May and encouraged Commissioners' attendance.

Mr. Centorino reported that he expected a slight increase in the proposed 2014-15 fiscal budget, but said it would have no substantial impact on personnel or resources.

VII. Complaints

Commissioner Addy made a motion to approve a Letter of Instruction for **C 13-33** to the City of Hialeah after it was amended. Commissioner Copeland seconded the motion and it was unanimously approved (**3-0**).

A Letter of Instruction was presented for **C 13-38**, but Commissioners expressed a desire for it to reflect the vote and return it next month.

Following the Probable Cause finding and settlement (**C 13-51**) with the former public works director for Miami Lakes who violated the "reverse two year rule" by approving public business to a company that previously employed him, a Letter of Instruction was presented for Hiram Siaba. Commissioner Addy moved to approve the Letter. Commissioner Copeland seconded and it was unanimously approved (**3-0**).

Attorney Michelle Delancy told Commissioners she hoped to discuss a hearing date for **C 14-19** at the next meeting.

The Ethics Commission convened in closed session at 11:05 a.m. The Commission returned to open session at 12:50 p.m. and took the following action:

Commissioner Addy made a motion to find No Probable Cause to a complaint (**C 13-42**) filed against an Lillian Ser for not registering as a lobbyist when she represented companies seeking concessions at Miami International Airport because she was following the language of the Request for Proposal, but to also send A Letter of Instruction for the County to amend the language in future RFPs to accurately reflect lobbyist registration requirements in the Ethics Ordinance. Commissioner Copeland seconded the motion and it was unanimously approved (**3-0**).

Commissioner Addy made a motion to find Probable Cause that Miami Mayor Tomas Regalado violated the Ethics Ordinance by failing to report the gift of airfare and lodging when he traveled to Argentina with his daughter, but to dismiss the complaint (**C 14-16**) with a Letter of Instruction to the City Attorney's Office, which advised the mayor that he was not obligated to file a gift disclosure form. Commissioner Copeland seconded the motion and it was unanimously approved (**3-0**).

Commissioner Addy made a motion to find Probable Cause to a complaint (**C 13-50**) that former Homestead Mayor Steven Bateman violated the Conflict of Interest and Code of Ethics Ordinance by accepting a round trip flight on a private jet without disclosing it as a gift. Commissioner Copeland seconded the motion and it was unanimously approved (**3-0**).

Commissioner Addy made a motion to find Probable Cause to a complaint (**C14-18**) against Miami-Dade firefighter Phyllis Sloan-Simpkins who made presentations on behalf of her non-profit agency, Majestic's Youth & Arts Academy, before a County advisory board, despite being told previously by the Ethics Commission that she is prohibited from doing so. Commissioner Addy also moved to dismiss the complaint with a Letter of Instruction. Commissioner Copeland seconded the motion and it was unanimously approved (**3-0**).

Commissioner Addy made a motion to find Probable Cause on three counts and dismiss the fourth in a complaint (C 14-21) against North Miami Deputy City Manager Lumane Pluviose Claude, whose husband entered into three temporary work contracts with the city and whose son worked a summer job as a camp counselor in the North Miami Parks Department. The count involving her son's camp position was eliminated and since no evidence was found that Dr. Claude created the temporary jobs or arranged for the hiring of her husband, Commissioner Addy also moved to dismiss the complaint and send a Letter of Instruction to the North Miami city administration. Commissioner Copeland seconded the motion and it was unanimously approved (3-0).

Commissioner Addy made a motion to find No Probable Cause to a complaint (C 14-17) against Doral City Councilwoman Sandra Ruiz that accused her of exploiting her position by intervening in a lawsuit against the city and suggesting it be settled. Commissioner Copeland seconded the motion and it was unanimously approved (3-0).

Commissioner Addy made a motion to approve the Advocate's request for an extension of time to make a probable cause determination in C 14-20. It was seconded by Commissioner Copeland and unanimously approved (3-0).

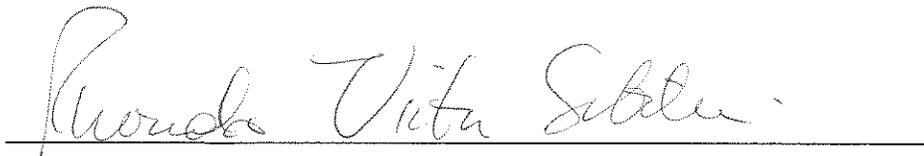
Commissioner Addy made a motion to find No Probable Cause to a complaint (C 13-37) against Ethics Commission Executive Director Joseph Centorino for abusing his position by investigating a Sunshine Law violation in Hialeah in October of 2013. The complainant was advised to submit his complaint to the Florida Ethics Commission, but he refused to do so and the Inspector General declined jurisdiction. The Independent Advocate determined that the Hialeah investigation was conducted jointly and properly with the State Attorney's Office. The motion to dismiss was seconded by Commissioner Copeland and unanimously approved (3-0).

VIII. Old Business

Commission Chair Nelson Bellido expressed appreciation and presented plaques to Commissioners Addy and Copeland who ended their terms at this meeting.

IX. Adjournment

There being no further business before the Ethics Commission, the meeting adjourned at 1:00 p.m.



Prepared by Rhonda Victor Sibilia, Communications Director