

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of December 10, 2014

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on December 10, 2014. Present were Commission Chair Nelson Bellido, Commission Vice Chair Judge Lawrence Schwartz, Commissioner Judith Bernier, and Commissioner Marcia Narine. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Miriam Ramos, Deputy General Counsel; Gilma Diaz-Greco, Staff Attorney; Robert Steinback, Investigator and acting recording secretary; Michelle Castillo, Ethics Commission intern, and Rachele Cedeno, Executive Secretary. Also present were Kevin Vericker, Mario Garcia and COE Investigator Manuel W. Diaz. The meeting was called to order at 10:00 a.m. A quorum was present.

Prior to the official start of the meeting, Commission Chair Bellido noted the passing of Charles A. Hall, an original member of the Commission on Ethics, on Thursday, November 20, 2014. Chairman Bellido offered a personal tribute to former Commissioner Hall, noted his career accomplishments, and requested a moment of silence in remembrance.

I. Approval of Minutes from the meeting of November 17, 2014

Commissioner Narine moved an amendment to the November 17 record of the Executive Summary adding the words "or materially" following the phrase, "deviate substantially" in the following sentence: "The suggestions include adopting protocols that in an oral presentation, a bidder not deviate substantially from the written submission and that earlier presenters be given an opportunity for rebuttal at the end of the session." Chairman Bellido seconded the motion, which was unanimously approved (4-0).

Commissioner Schwartz moved to approve the minutes of November 17, 2014 as amended. The motion was seconded by Commissioner Narine and unanimously approved (4-0).

II. Public Comments

Kevin Vericker addressed the Commission regarding its action during its November 17, 2014, meeting, to continue item C 14-051. Mr. Vericker stated that the Commission, by deciding not to ratify the findings of Hearing Examiner Justice Gerald Kogan, failed to follow its own code obliging it to accept the hearing examiner's findings. Mr. Vericker said he believed the deferral could act as a disincentive for future candidates to sign the voluntary fair campaign pledge.

There were no further public comments.

III. Staff Attorney Gilma Diaz-Greco gave the Commissioners a summary of a Request for Opinion from Thomas F. Pepe, City Attorney for the City of South Miami RQO 14-04, regarding the definition of "special compensation" vs. "regular compensation" when determining whether representatives of not-for-profit organizations speaking before county panels need to register as lobbyists. Ms. Diaz-Greco's written opinion, briefly, is that they would have to register unless their only purpose is to seek grant funding, and that "special compensation" refers to compensation other than regular wages.

Commissioner Narine asked if the definition of "special compensation" was written into statute or if Ms. Diaz-Greco's opinion was based on court interpretation, and also asked if the staff attorney had reviewed other states' definitions of the kinds of income that might be termed "special compensation." Ms. Diaz-Greco stated that some other states use terms other than "special compensation," but that her opinion was based on the usage of the term in Florida court interpretations. Commissioner Schwartz moved acceptance of Staff Attorney Diaz-Greco's opinion, which was seconded by Commissioner Narine. The motion passed unanimously (4-0).

IV. Section 8 Request/Monthly Summary of Inquiries

Staff Attorney Gilma Diaz-Greco recommended that three County employees be approved for housing assistance in the form of participation in the SHIP (State Housing Initiatives Partnership) loan program, the Paint and Shuttering loan program, and the Home-Ownership Second Mortgages program, since their job responsibilities do not require them to be involved in the administration of the housing program, and that no immediate family members oversee or administer the programs. A fourth county employee withdrew her application.

Commissioner Narine, in a further consideration of Item III, moved that **RQO 14-04** include a clarification of the levels of review utilized by Staff Attorney Diaz-Greco in reaching her opinion regarding the proper definition of "special compensation." The motion was seconded by Commissioner Schwartz. The motion passed unanimously (**4-0**).

A Summary of Inquiries issued since the last meeting was presented to Commissioners for review and Staff Attorney Diaz-Greco highlighted a few for review.

V. Executive Director's Report

Executive Director Joseph Centorino gave a follow-up report on a proposed ordinance under consideration by the Board of County Commissioners that would exempt vendor presentations from the Cone of Silence, permitting such meetings to be closed to the general public. The Ethics Commission at its November 17, 2014, meeting had opposed this change. Mr. Centorino stated that the County Commissioner who had suggested the change had decided not to pursue it further in the face of opposition from the COE and the Miami-Dade County Office of the Inspector General. Mr. Centorino said the episode demonstrated the level of respect the Ethics Commission commands in the County.

Mr. Centorino recognized COE Investigator Manuel W. Diaz, who will retire December 24th after 14 years of service. Chairman Bellido added his own words of commendation for Mr. Diaz's service.

Mr. Centorino stated that Mr. Diaz's retirement would enable the COE hire a new full-time investigator and a part-time attorney.

VI. Complaints

Deputy General Counsel Miriam Ramos presented a Letter of Reprimand to former City of Homestead Mayor Steven C. Bateman, who was charged with accepting a flight to Tallahassee on a private aircraft chartered by Dade Medical College (DMC) and failing to file the required gift disclosure form. A settlement to the complaint (**C 13-50**) was agreed to with Mr. Bateman on November 17, 2014. Commissioner Narine made a motion to ratify the Letter. It was seconded by Commissioner Schwartz and unanimously approved (**4-0**).

Commissioner Narine departed, citing a conflict of interest. A quorum was still present.

Deputy General Counsel Miriam Ramos presented a Letter of Reprimand to North Miami Councilperson Marie Steril, who was charged with exploiting her official position in order to get her mother upgraded appliances and materials on the townhome she purchased through a U.S. Department of Housing and Urban Development (HUD) program administered by the City of North Miami. A settlement to the complaint (**C 14-019**) was agreed to with Councilperson Steril on October 8, 2014. Commissioner Schwartz made a motion to ratify the Letter. It was seconded by Commissioner Bernier and unanimously approved (**3-0**).

Commissioner Narine re-entered the Commission chamber and took her seat on the dais.

Deputy General Counsel Miriam Ramos presented a Letter of Instruction to Diego Feliciano and Les Eisenberg, members of the County Taxi Advisory Group (TAG), and the subjects of two complaints (**C 14-37 and C 14-47**).

regarding their failure to file financial disclosure forms for 2012 and 2013. At a hearing November 11, 2014, the Ethics Commission found probable cause to substantiate the complaint. However, it was determined that TAG members were never advised of the requirement to file financial disclosure forms when the TAG in 2012 became an advisory board to the Board of County Commissioners. The Letter of Instruction is also copied to Joe Mora, Director of the County Regulatory and Economic Resources Department, which oversees the TAG. Commissioner Schwartz made a motion to ratify the Letter of Instruction. It was seconded by Commissioner Narine and unanimously passed (4-0).

Mario Garcia, the respondent in complaint C 14-51, appeared before the Commission and waived his right to have this case heard in closed session. The Commission on November 17, 2014, made a motion not to ratify a finding of No Probable Cause by hearing officer Justice Gerald Kogan in C14-51, which alleged a violation of the Ethical Campaign Practices Ordinance by Mr. Garcia, and to refer the case back to COE staff for investigation once a civil case, based on the same allegations, is stayed. The stay in the civil case has not yet been entered. Commissioner Schwartz made a motion to defer action until the stay in the civil matter is entered. Commissioner Narine seconded the motion which was unanimously approved (4-0).

The Ethics Commission convened in closed session at 10:32 a.m. The Commission returned to open session at 10:43 a.m. and took the following action:

Commissioner Narine made a motion to defer action on a complaint (C 14-38) until February. The motion was seconded by Commissioner Schwartz and unanimously approved (4-0).

Advocate Michael Murawski requested an extension of time until February to determine probable cause on a complaint (C 14-52). Commissioner Narine made a motion to approve the requested deferment. It was seconded by Commissioner Schwartz and unanimously approved (4-0).

Commissioner Narine made a motion to continue a complaint (C14-53) until the Commission's January meeting. The motion was seconded by Commissioner Schwartz and unanimously passed (4-0).

VII. Old Business

No old business was discussed by the Commission.

VIII. Adjournment

There being no further business before the Ethics Commission, Commissioner Narine moved to adjourn. The motion was seconded by Commissioner Schwartz unanimously passed (4-0). The meeting adjourned at 10:43 a.m.



Prepared by Robert Steinback, Investigator and acting recording secretary