

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of July 10, 2014

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on July 10, 2014. Present were Commission Chair Nelson Bellido, Commissioner Juan Carlos Bermudez, 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; Rhonda Victor Sibilia, Communications Director; and Rachele Cedeno Ross, Executive Secretary. Also present: Lillian Ser, Dusty Melton, Michael Band, George Wysong, Nancy Lee and Al Crespo. The meeting was called to order at 10:00 a.m. A quorum was present.

I. Welcome and Introduction of New Commissioner

Marcia Narine was formally introduced and greeted by Commissioners.

II. Approval of Minutes from June 17, 2014

Commissioner Bermudez moved to approve the minutes of June 17, 2014. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

III. Public Comments

Dusty Melton asked if he could make his comments on C 13-42 when that item is discussed. The Chair agreed.

Al Crespo welcomed Commissioner Narine and repeated a request for a response to a letter citing his concerns over how complaints he filed previously were managed by the Commission.

Nancy Lee appeared following the Public Comments period and requested to speak before the Ethics Commission entered closed session, citing her notification to the COE that she was running late. Once granted, she said that complainants usually are not contacted during an investigation and find out that it has ended by receiving a copy of the close-out memo. She was concerned about not being given a chance to offer more information or evidence in response to that given by a witness in the investigation. She also complained about County bond money being misdirected and the vote on a charter change in August when many citizens are not paying close attention.

IV. Section 8 Request

Commissioner Bermudez moved to approve one contract involving an employee of the Property Appraiser's office seeking to become a Section 8 landlord since he is not affiliated with the Miami-Dade Public Housing and Community Development Department. Commissioner Bernier seconded the motion and it passed unanimously (4-0).

V. Monthly Summary of Inquiries

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

VI. Executive Director's Report

Executive Director Joseph Centorino reported that the proposed 2014-15 budget includes a slight increase mostly due to health insurance and pension costs. The addition of one full-time employee, which is really a consolidation of two part-time positions, resulted in an overall savings to the agency.

He reported on passage by the County Commission on a new ordinance that removes members of advisory boards from their positions if they fail to provide financial disclosure forms after being given notice by the Ethics Commission when they are six months late. Mr. Centorino said that should have a favorable impact on the office workload. He also noted that the County Commission will consider a proposal next week (7/15/14) that would increase from two to four years the amount of time a public official or employee must wait after leaving their post before they can lobby their former government. Chair Bellido asked fellow commissioners to review the ordinance for discussion at the next meeting.

Mr. Centorino said that the third annual Ethical Governance Day will be held in October on a date to be confirmed by officials of Miami-Dade Public Schools. On that day, volunteers will be placed in 12th grade government and economics classes throughout the district to discuss the importance of civic engagement with the teenagers. Chair Bellido expressed his support and encouraged fellow commissioners to take part.

The Director confirmed with Ethics Commissioners that the regular meetings would now be held on the second Wednesday of each month, with the next one scheduled for August 13th at 10 a.m.

VII. Complaints

Deputy General Counsel Miriam Ramos presented a proposed Letter of Instruction following the determination of No Probable Cause in **C 13-42**, filed against an attorney for not registering as a lobbyist when she represented companies seeking concessions at Miami International Airport. Lillian Ser claimed she relied on the wording of the Request for Proposal (RFP), which did not accurately reflect lobbyist registration requirements in the Ethics Ordinance, and staff determined that the language is confusing. Complainant Dusty Melton made a presentation opposing the finding and asking that the Letter be directed to Ms. Ser instead of the Miami-Dade Procurement Department. After discussion, Commissioner Bermudez made a motion to table the matter until hearing assurances from Procurement officials that future RFPs will reflect the ordinance. It was seconded by Commissioner Narine and unanimously approved (**4-0**).

Public Advocate Michael Murawski and attorney Michael Band reported on the status of **C 14-24**, stating they are in discovery stage and would provide another update in September. Mr. Murawski asked for authorization for two subpoenas related to the case. Commissioner Bermudez made a motion to approve the request. It was seconded by Commissioner Narine and unanimously approved (**4-0**).

The Ethics Commission convened in closed session at 11:07 a.m. The Commission returned to open session at 11:17 a.m. and took the following action:

Commissioner Bermudez made a motion to accept a defense request for continuance of **C 14-25**. Commissioner Bernier seconded the motion and it was unanimously approved (**4-0**).

Commissioner Bermudez made a motion to dismiss for No Probable Cause a complaint (**C 14-28**) filed against city leaders in Miami Springs, accused of acting unethically by failing to enforce the city's noise ordinance. The investigation found that Woody's Tavern is in compliance with the City Code, and that neither the mayor, city manager nor city council members exploited their positions through any association with its owner. Commissioner Bernier seconded the motion and it was unanimously approved (**4-0**).

Commissioner Bermudez made a motion to dismiss for Lack of Legal Sufficiency a complaint (**C 14-29**) of retaliation by a former South Miami Police Department employee who had filed grievances against the department command staff between 2011 and August 2013, when he left the agency. An investigation that

began after he left is not included in the definition of "adverse personnel action" and the complaint was not filed within the required 60-day time period. The motion was seconded by Commissioner Narine and unanimously approved (4-0).

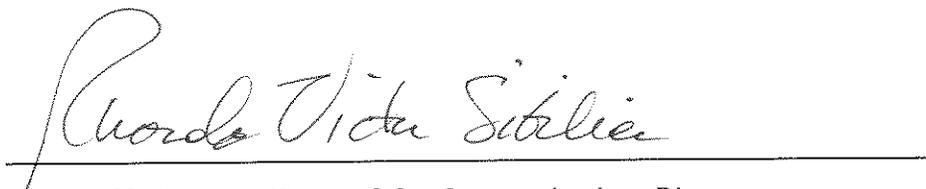
Chair Bellido opened discussion on Nancy Lee's earlier comments about complainant's rights. Advocate Michael Murawski affirmed that investigators often go back to the originator for more information. He also noted that Ms. Lee has never formally filed a complaint with the Ethics Commission.

VIII. Old Business

There was no unfinished business.

IX. Adjournment

There being no further business before the Ethics Commission, Commissioner Bermudez moved to adjourn. The motion was seconded by Commissioner Narine and it passed unanimously (4-0). The meeting adjourned at 11:33 a.m.

A handwritten signature in cursive script that reads "Rhonda Victor Sibilica". The signature is written in black ink and is positioned above a horizontal line.

Prepared by Rhonda Victor Sibilica, Communications Director