

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of June 17, 2014

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on June 17, 2014. Present were Commission Chair Nelson Bellido, Commissioner, Vice Chair Lawrence Schwartz, Commissioner Judith Bernier and Commissioner Juan Carlos Bermudez. 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 Rachelle Cedeno Ross, Executive Secretary. Also present: Eve Boutsis; Alex Annunziato; Miriam Singer; Victoria Mendez; Theresa Sarnoff; Michelle Delancy; Kennedy Rosario; Breno Penichet; Dusty Melton and Al Crespo. The meeting was called to order at 10:04 a.m. A quorum was present.

I. Welcome and introduction of New Commissioner

Juan Carlos Bermudez was formally introduced and greeted by Commissioners.

II. Approval of Minutes from May 8, 2014

Commissioner Schwartz moved to approve the minutes of May 8, 2014. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

III. Public Comments

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

IV. Request for Opinion

Staff Attorney Gilma Diaz-Greco recommended response to a Request for Opinion (**RQO 14-02**) concerning a private attorney who serves as legal counsel to the Value Adjustment Board (VAB), stating that the Ethics Commission does not have jurisdiction over the position. The VAB is a quasi-judicial board created by state statute and governed by rules under the Florida Department of Revenue. Commissioner Schwartz made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (4-0).

V. Section 8 Requests

Commissioner Schwartz moved to approve three 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 Bernier seconded the motion and it passed unanimously (4-0).

VI. Monthly Summary of Inquiries

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

VII. Miami Beach Lobbyist Appeals

Deputy General Counsel Miriam Ramos recommended to waive the penalties assessed against registered

lobbyists in Miami Beach who failed to provide financial disclosure forms, since they have no history of late filing and sent the statements when reminded. Commissioner Schwartz made a motion to approve the recommendation. It was seconded by Commissioner Bermudez and unanimously approved (4-0).

VIII. Executive Director's Report

Executive Director Joseph Centorino introduced Alex Annunziato, legislative aide to County Commissioner Esteban Bovo, who explained a proposal to exempt certain aspects of competitive bidding from the Florida Sunshine Law and Miami-Dade County's "Cone of Silence." If approved, the ordinance would permit negotiations with vendors and the discussion of negotiation strategies among staff to be in closed sessions. Procurement Director Miriam Singer and consultant Dusty Melton addressed the Commission on the proposal. Commissioner Bermudez made a motion to support the proposed ordinance with an amendment to require that recordings of the closed sessions be made available to any member of the public upon completion of negotiations, instead of 30 days after the contract is awarded, as proposed. Commissioner Schwartz seconded the motion and it was approved by a vote of 3-1 (Chair Bellido opposed).

Deputy General Counsel Miriam Ramos presented a memo clarifying rules regarding outside employment for county and municipal employees. The guidelines have been distributed to all County employees and shared with administrative and political leaders in the municipalities.

Director Centorino reported that the Political Campaign Ethics Conference drew more than 150 paid participants and that C-SPAN recorded four sessions for air this summer. He noted that more than 40 people attended the most recent municipal attorneys luncheon featuring Craig Leen, City Attorney of Coral Gables. Mr. Centorino recommended that Commissioners vote at the next meeting on changing their regular meeting day to the second Wednesday of the month to accommodate new members' schedules.

IX. Complaints

A proposed Letter of Instruction was presented following last month's determination that there was insufficient evidence to find Probable Cause to a complaint (C 13-29) that top officials in the City of Miami exploited their official positions when relatives of Deputy City Manager Luis Cabrera were hired for part-time positions in the Parks Department. The Letter urged the city administration to adopt the recommendations of Miami's Independent Auditor General regarding hiring practices, and to advertise all open positions. Commissioner Schwartz made a motion to approve the Letter. It was seconded by Commissioner Bernier and unanimously approved (4-0).

Public Advocate Michael Murawski and attorney Michelle Delancy agreed to hold a public hearing on C 14-19 during the week of September 15 and/or 22 with confirmation to follow.

The Ethics Commission convened in closed session at 11:35 a.m. The Commission returned to open session at 12:11 p.m. and took the following action:

Commissioner Schwartz made a motion to find No Probable Cause to a complaint (C 14-23) that Miami City Commissioner Marc Sarnoff failed to report as a gift a photograph presented by City National Bank at the opening of its Brickell office in 2011. The investigation found that the photo of the Florida Everglades is hanging in the District 2 conference room at City Hall and labeled as "on loan" to the district office by the bank and, therefore, should not be considered as a gift to the commissioner. Commissioner Bernier seconded the motion and it was unanimously approved (4-0).

Commissioner Schwartz made a motion to find No Probable Cause to a complaint (C 14-20) filed by a parking enforcement supervisor in Miami Beach against his department superiors alleging that they provided false or misleading information to the news media in violation of the Citizen's Bill of Rights. Investigators determined that 291 violations that were dismissed through the Miami-Dade County court

system were not in the city files and, therefore, could not be provided. Deputy Miami Beach city Attorney Eve Boutsis told Commissioners that new procedures have been adopted that will ensure the city maintains the records of all city parking violations, including those dismissed through the County system. Commissioner Bermudez seconded the motion and it was unanimously approved (4-0).

Commissioner Schwartz made a motion to find No Probable Cause to a complaint (C 14-22) against a section chief at the Water and Sewer Authority by an employee claiming he has been retaliated against ever since assisting an investigation in 1998, most recently in March of this year. The investigation found that Anthony Blaha's supervisor, Daniel Edwards, had no knowledge of his employee's history and documented the discipline in response to Blaha's failure to complete an assignment. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

Commissioner Schwartz made a motion to find Probable Cause to eight counts in a complaint (C 14-24) against former Dade Medical College President Ernesto Perez for lobbying Homestead and Coral Gables city officials on behalf of his school without registering, as required by law. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

Commissioner Schwartz made a motion to find a complaint (C 14-27) Not Legally Sufficient. It was filed by a former employee of the Miami-Dade Animal Services Department against her superiors alleging retaliation under protection of the "whistleblower ordinance" by having her position eliminated. However, Jacquelyn Johnston neglected to express her concerns about the department to the Inspector General or the Mayor and within 60 days of the adverse action, as required by the ordinance. The motion was seconded by Commissioner Bernier and unanimously approved (3-0; Bellido recused).

Commissioner Schwartz made a motion to deny the Advocate's Motion for Voluntary Dismissal and move to a Probable Cause determination for a complaint (C 14-25) against a member of the Village of Pinecrest Community Center Advisory Committee in 2011 who failed to file a financial disclosure statement by the July 1, 2012, deadline and after receiving numerous reminders. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

Commissioner Schwartz made a motion to approve the issuance of subpoenas for K 13-183 and K 14-49. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

X. Old Business

There was no unfinished business.

XI. Adjournment

There being no further business before the Ethics Commission, Commissioner Schwartz moved to adjourn. The motion was seconded by Commissioner Bermudez and it passed unanimously (4-0). The meeting adjourned at 12:14 p.m.



Prepared by Rhonda Victor Sibilia, Communications Director