

# MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

## Summary of Minutes and Agenda Actions

### Meeting of May 8, 2014

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on May 8, 2014. Present were Commission Chair Nelson Bellido, Commissioner, Vice Chair Lawrence Schwartz, Commissioner Kerry Rosenthal and Commissioner Judith Bernier. Also present: Michael Murawski, Advocate; Miriam Ramos, Deputy General Counsel; Gilma Diaz-Greco, Staff Attorney; Robert Steinback, Investigator; and Rachelle Cedeno Ross, Executive Secretary. Also present: Assistant Miami City Attorney George Wysung, Mark Herrin, and Vivian Reyes. The meeting was called to order at 10:00 a.m. A quorum was present.

#### **I. Approval of Minutes from April 16, 2014**

Commissioner Rosenthal moved to approve the minutes of April 16. The motion was seconded by Commissioner Schwartz and it passed unanimously (4-0)

#### **II. Public Comments**

No one appeared for public comments.

#### **III. Section 8 Requests**

Commissioner Kerry moved to approve two contracts involving County employees seeking to become Section 8 landlords since the employees are not employees of the Miami-Dade Public Housing and Community Development Department. Commissioner Schwartz 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 Commissioners for review.

#### **V. Executive Director's Report**

Executive Director Joseph Centorino discussed legislation (SB 846) recently unanimously passed with provisions that could impact local ethics commissions. One provision deals with voting conflicts and the other with the amount of hours of ethics training now required of municipal officials.

He said that Chairwoman Sosa would sponsor legislation that would make ministerial rather than substantive revisions to the Code.

Mr. Centorino provided an update on the Political Campaign Ethics Conference stating that 128 people had registered and more registrations were expected to be submitted, he informed the Commissioners that C-SPAN would be covering the conference and encouraged the Commissioners' attendance.

#### **VI. Miami Beach lobbyist Appeals**

Miami Beach Lobbyist Appeals (MBLA) filed against Lobbyists who were tardy in filing their lobbyist expenditure statement, were presented to the Commission by the advocate. The Commission took the following action:

For MBLA's 13-26 ( Kathleen Jordan), 13-29 (Gerald Schwartz) , and 13-30 (David J. Odishoo) upon recommendation of the advocate, Commissioner Kerry made a motion to waive the penalties. It was seconded by Commissioner Schwartz and unanimously approved (4-0).

For MBLA's 13-27 (Richard Finvarb) and 13-28 (Ronald Finvarb) upon recommendation of the advocate Commissioner Kerry made a motion to reduce the penalties to \$250.00. It was seconded by Commissioner Schwartz and unanimously approved **(4-0)**.

## **VII. Complaints**

Following the No Probable Cause finding last month that a former attorney for the Miami Parking authority violated the Ethics Ordinance by using her City e-mail account and computer to promote a political fundraiser for then-mayoral candidate Francis Suarez (**C 13-38**), the Commission noted that that Kira Grossman's behavior was very close to crossing the ethical line and a Letter of Instruction was presented. Commissioner Schwartz made a motion to approve the Letter. It was seconded by Commissioner Kerry and unanimously approved **(4-0)**.

A Letter of Instruction for **C 13-42** to Miami-Dade County Internal Services Department was presented, but after discussion, the Advocate agreed to postpone it to the July meeting.

Following the dismissal of the complaint (**C 14-16**) against Miami Mayor Thomas Regalado because members of the City Attorney's office, based upon a misapplication of Ethics Commission guidelines, advised Mayor Regalado that he did not have to disclose as a gift a trip to Argentina paid for the privately-funded Buenos Aires Convention and Visitors Bureau, a Letter of Instruction was presented. Commissioner Kerry made a motion to approve the Letter of Instruction. The motion was seconded by Commissioner Schwartz and unanimously approved **(4-0)**.

Following the Probable Cause finding that Miami-Dade firefighter Phyllis Sloan-Simpkins violated the Ethics Code by making presentations before a County advisory board, despite being told previously by the Commission that she is prohibited from doing so (**C 14-18**), a Letter of Instruction was presented. Commissioner Schwartz made a motion to approve the Letter of Instruction. The motion was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

Following the Probable Cause finding that that Deputy City Manager Lumane Pluviose Claude violated a County rule that prohibits the relatives of city officials from contracting with that city (**C 14-21**), the counts against Dr. Claude were dismissed since it was found that Dr. Claude herself was not connected to the city's hiring of her husband for three contract positions. A Letter of Instruction was presented to top officials of the City of North Miami reminding them that employing a family member of someone in the upper levels of government not only creates an appearance of impropriety but may also violate state nepotism laws. Commissioner Schwartz made a motion to approve the Letter of Instruction. The motion was seconded by Commissioner Kerry and unanimously approved **(4-0)**.

The Ethics Commission convened in closed session at 10:41 a.m. The Commission returned to open session at 11:10 a.m. and took the following action:

Commissioner Kerry made a motion to find No Probable Cause with a Letter of Instruction in complaint **C 13-29** filed against City of Miami Deputy City Manager Luis Cabrera after finding insufficient evidence to prove that any city official exerted pressure on the Parks Director to hire Luis Cabrera's relatives. While the Director was operating within his authority to hire Luis Cabrera's step-brother and step-sister-in-law, the Commissioners expressed concern that the city's hiring process was not sufficiently transparent to allay public suspicion of improper influence. Chair Bellido seconded and it was unanimously approved **(4-0)**

Commissioner Kerry made a motion for continuance of complaint C 14-24. The motion was seconded by Commissioner Schwartz and unanimously approved (4-0).

Commissioner Kerry made a motion to approve a settlement with John Watler, accused (C 14-26) of violating the "prohibition on conflicting employment" section of The County's Conflict of Interest and Code of Ethics Ordinance when he failed to request permission for outside employment to run his private business as a personal trainer. The motion was seconded by Commissioner Schwartz and unanimously approved (4-0).

#### **VIII. Old Business**

There was no unfinished business.

#### **IX. Adjournment**

There being no further business before the Ethics Commission, Commissioner Schwartz moved to adjourn. The motion was seconded by Commissioner Kerry and it passed unanimously (4-0). The meeting adjourned at 11:18 a.m.



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Prepared by Gilma Diaz-Greco, Staff Attorney