

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of November 17, 2014

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on November 17, 2014. Present were Commission Chair Nelson Bellido, 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 Rachelle Cedeno Ross, Executive Secretary. Also present were Inspector General Mary Cagle, Jorge Gonzalez, Paul Arcia and Francis Rago. The meeting was called to order at 10:03 a.m. A quorum was present.

I. Approval of Minutes from October 8, 2014

Commissioner Narine moved to approve the minutes of October 8, 2014. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

II. Public Comments

There were no public comments.

III. Section 8 Request

Staff Attorney Gilma Diaz-Greco recommended the approval of one County employee to be a landlord under the federally-funded Section 8 program since neither she nor her family members are on the staff of the Miami-Dade Public Housing and Community Development Department. She also presented a list of eight County employees eligible to take part in housing assistance programs.

IV. Monthly Summary of Inquiries

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 summed up Ethical Governance Day as successful with approximately 240 speakers and positive coverage of the first Teacher Award. Commission Chair Bellido commended the work of staff.

Mr. Centorino reported that a proposed ordinance is being brought back to 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. Both Mr. Centorino and Inspector General Mary Cagle expressed concerns about losing the transparency of presentations. Commissioner Narine made a motion to oppose the ordinance and recommended that the Board of County Commissioners instead adopt measures that would prevent bidders for goods or services from gaining an unfair advantage by hearing other presentations prior to their own. The suggestions include adopting protocols that in an oral presentation, a bidder not deviate substantially

or materially from the written submission and that earlier presenters be given an opportunity for rebuttal at the end of the session. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

The Executive Director provided information about the newly-approved Doral Office of Charter Enforcement, which asks that members of a committee that would appoint the Charter Enforcement Official be named by the chief judge or the chair of the Ethics Commission. Both have declined due to potential conflicts with the Ethics Commission. Mr. Centorino stated that the COE would work with the City of Doral to promote stronger ethics enforcement.

Mr. Centorino invited Commissioners to a holiday luncheon immediately following the December meeting in the conference room.

VI. Complaints

Advocate Michael Murawski presented a Letter of Instruction to two lobbyists accused of violating an ordinance in Cutler Bay requiring them to disclose all officials they contacted prior to a public hearing over a proposed shopping center. A settlement to the complaint (C 13-02) was agreed to in August 2013 with Jose Luis Castillo and Juan Mayol. Commissioner Narine made a motion to ratify the Letter. It was seconded by Commissioner Bernier and unanimously approved (3-0).

Deputy General Counsel Miriam Ramos presented a proposed settlement 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. Bateman agreed not to contest the charge and will pay a \$500 fine and accept a Letter of Reprimand. Commissioner Narine moved to approve the settlement. It was seconded by Commissioner Bernier and unanimously approved (3-0).

Commissioner Narine recused herself from a proposed Letter of Reprimand for C 14-19, resulting in the loss of quorum, so it was continued to December.

The Ethics Commission convened in closed session at 10:56 a.m. The Commission returned to open session at 11:40 a.m. and took the following action:

Commissioner Narine made a motion to find No Probable Cause and dismiss a complaint (C 14-31) filed by Miami Gardens City Councilman Erhabor Ighodaro against his opponent Francis David Ragoo, accusing him of distributing a phony flyer showing a third party activist endorsing Ragoo instead of Ighodaro since there was no evidence that Ragoo was responsible for the altered handout. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

Commissioner Narine made a motion to approve the joint request for a continuance for C 14-36. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

Commissioner Narine made a motion to find probable cause, but dismiss complaints (C 14-37 and C 14-47) against two members of the Miami-Dade County Taxi Advisory Group (TAG) for failing to file financial disclosure statements because they were not advised that a revision of TAG's status in 2012 triggered the requirement. The COE will issue a Letter of instruction. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

Commissioner Narine made a motion to affirm the decision by Hearing Examiner Judge Gerald Kogan who found No Probable Cause in an expedited series of complaints (C 14-39, C 14-40, C 14-42, C 14-43, C 14-44, C 14-45 & C 14-46) during a special hearing on October 23, 2014. Former Cutler Bay mayoral candidate Art

Nanni alleged that his opponent, Peggy Bell, violated the Fair Campaign Practices ordinance by allowing a website to publish inflammatory and derogative statements about him, but there was no evidence of her involvement. Commissioner Bernier seconded the motion to dismiss the complaints and it was unanimously approved (3-0).

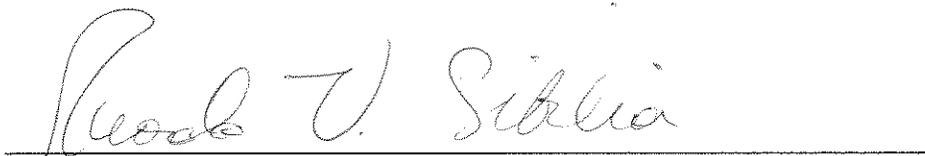
Commissioner Narine made a motion to dismiss two complaints (C 14-48 and C 14-49) as Not Legally Sufficient because they did not violate the Ethical Campaign Practices Ordinance. They were filed by B. Marc Mogil against Lewis Thaler, a former candidate for mayor of Sunny Isles Beach. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

Commissioner Narine made a motion to dismiss as Not Legally Sufficient a complaint (C 14-50) filed by Sweetwater Mayor Jose Diaz against Orlando Lopez, who is running for the mayor's seat next year, because there was no violation within the jurisdiction of the Ethics Commission. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

Commissioner Narine made a motion to not ratify a paper hearing decision regarding an alleged violation of the Ethics Campaign Practices Ordinance rendered by hearing officer Judge Gerald Kogan and to refer C 14-51 to staff for further action. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

VII. Adjournment

There being no further business before the Ethics Commission, Commissioner Narine moved to adjourn. The motion was seconded by Commissioner Bernier and it passed unanimously (3-0). The meeting adjourned at 11:47 a.m.



Prepared by Rhonda Victor Sibia, Communications Director