



For Immediate Release: April 16, 2014
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More trouble for former Homestead mayor

The Miami-Dade Commission on Ethics and Public Trust (COE) today found Probable Cause 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. The December 17, 2012, journey from Opa-Locka Executive Airport to Tallahassee was for a meeting with the governor allegedly arranged by Dade Medical College. The six passengers included College President Ernesto Perez and other high-level executives of the school along with then-Mayor Bateman. The cost of the flight is valued between \$450 and \$850 – well beyond the \$100 threshold for required gift reporting. If found in violation of the Code, Bateman could be fined and/or reprimanded.

Probable Cause was found that Miami Mayor Tomas Regalado violated the Ethics Ordinance by failing to report the gift of airfare and lodging when he traveled to Argentina with his daughter, School Board Member Raquel Regalado, last summer. The trip was paid for by the privately-funded Buenos Aires Convention and Visitors Bureau and the mayor attended several events promoting development in Miami. Members of the City Attorney's office had advised Mayor Regalado that he did not have to disclose the trip as a gift, based on a misapplication of Ethics Commission guidelines on tickets to special events where an official function is performed. In several other cases, the COE has determined that travel to a foreign locale cannot be compared to attendance at a local sports or entertainment venue, and that such expenses must be reported as a gift. Since the Mayor relied on the advice of his city's legal staff in not reporting the gift, the COE dismissed the complaint (**C 14-16**) against him and instead will issue a Letter of Instruction to the City Attorney's office.

Temporary jobs for her husband and son in North Miami resulted in an ethics complaint (**C 14-21**) against Deputy City Manager Lumane Pluiose Claude. The County Ethics Code and North Miami's City Code prohibit immediate family members from entering into a contract or conducting business with the official's government. The Ethics Commission found Probable Cause for an ethics violation, but since no evidence was found that Dr. Claude created the temporary jobs or arranged for the hiring of her husband or son, the COE dismissed the complaint and will prepare a Letter of Instruction to the North Miami city administration.

Probable Cause was found that a Miami-Dade firefighter violated the Ethics Code by making presentations before a County advisory board, despite being told previously by the Ethics Commission that she is prohibited from doing so. In addition to her County job, Phyllis Sloan-Simpkins represents a private non-profit called Majestic's Youth & Arts Academy. She was informed in an Ethics opinion in 2010 that she may not represent the academy before County boards. Since then, Sloan-Simpkins addressed the Goulds Community Action and Human Services Department, Public Housing and Community Development Advisory Committee on three different occasions seeking grants. After a half

dozen supporters attested to the positive work her agency does with children and Ms. Sloan-Simpkins' apology for not understanding the prohibition, the COE dismissed the complaint (**C 14-18**) but will send a Letter of instruction to her.

No Probable Cause was found to a complaint (**C 14-17**) against Doral City Councilwoman Sandra Ruiz that accused her of exploiting her position by intervening in a lawsuit against the city and suggesting it be settled. The suit involves a former Doral employee who is a friend of Ruiz, but the investigation found insufficient evidence that the councilwoman violated the Ethics Code. The Commission found that, while there may have been an appearance of impropriety, the Code did not require that Ruiz recuse herself from participating in discussions about the lawsuit and the complaint was dismissed.

After the former public works director for Miami Lakes agreed to settle a complaint (**C 13-51**) that he violated the "reverse two-year rule" by approving public business to a company that previously employed him, the Ethics Commission today approved a Letter of Instruction for Hiram Siaba. It advises Mr. Siaba to keep the rule in mind when he transitions between government and private work. The Letter also advises the Town's administration to be more diligent in supervising individuals who previously worked in the private sector to insure these types of conflicts are avoided.

No Probable Cause was found to a complaint (**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 sent letters to several County officials last year on behalf of two firms seeking concessions -- *305 Pizza* and *Chefs* -- but contended she was following the language of the Request for Proposal (RFP), which stated that only those who wish to address the County Commission or a County Board or Committee must register to lobby. Ser insisted that her communications with the Airport Director, the Mayor and procurement contract officers did not fall under those categories. A Letter of Instruction will recommend to County officials to amend the language in future RFPs to accurately reflect lobbyist registration requirements in the Ethics Ordinance.

A complaint (**C 13-37**) filed against the Executive Director of the Ethics Commission was dismissed for Lack of Probable Cause. Serial complaint filer and "blogger" Al Crespo alleged that Joseph Centorino abused his position by investigating a Sunshine Law violation in Hialeah in October of 2013. The COE does not enforce the Sunshine Law. Crespo was advised by COE staff to file his complaint with the Florida Ethics Commission, since it also has jurisdiction over Centorino and would ensure that an independent agency looked into the allegations, but he refused to do so. This past December, the COE referred the complaint to the Office of the Inspector General, which subsequently declined the case. The Independent Ethics Advocate determined that the Hialeah investigation was conducted jointly with the State Attorney's Office and that Crespo's allegation was a personnel issue not properly addressed through the complaint process.

In other matters today, Ethics Commission Executive Director Centorino reported that the program is set for the Political Campaign Ethics Conference on Friday, May 16, at St. Thomas University Law School. It includes two legal minds on both sides of the controversial U.S. Supreme Court ruling in *Citizens United* on campaign finance -- John Bonifaz and James Bopp. The two will debate the *Citizens United* case, as well as other legislative and judicial action concerning campaign financing. He also reported that The Florida Bar has granted eight continuing legal education credits for lawyers attending the conference. Registration and information can be found at ethics.miamidade.gov

Finally, presentations of appreciation were made to two commissioners who ended their service today. Dawn Addy has been an Ethics Commissioner since the Fall of 2001, including serving as chair. As director of Florida International University's Center for Labor Research and Studies, Dr. Addy has named her successor. Dr. Judith Bernier, Academic Program Director for the Labor Center, will begin her term next month. Also stepping down today is Charlton Copeland, who has served on the Ethics Commission for four years, most recently as chair. Professor Copeland was the

Commission representative from the University of Miami Law School. In a rotating process, his successor will be appointed by the Dean of the St. Thomas University School of Law.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

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