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Ethics Commission Clarifies Standards on City Hiring, Mayor's Travel

The Miami-Dade County Commission on Ethics and Public Trust issued a Letter of Instruction today to top officials of the City of North Miami as a result of an ethics complaint (**C 14-21**) against Deputy City Manager Lumane Pluiose Claude prompted by the city's hiring of her husband for three contract positions, allegedly violating a county rule that prohibits the relatives of city officials from contracting with that city. The Ethics Commission found Probable Cause last month for three counts of violating the ethics code, but dismissed them since Dr. Claude herself was not found to have been connected to the temporary jobs or her husband's hiring. The Letter reminds city administrators 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.

The COE today found No 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 City's Parks and Recreation Department. Commissioners accepted that the evidence was insufficient to prove that any city official exerted pressure on the Parks Director to hire Juan Carlos Cabrera (Luis Cabrera's step-brother) or his wife, Dayami Davila (Luis Cabrera's step-sister-in-law), and that the Director was operating within his authority to hire them. However, Commissioners expressed concern that the city's hiring processes were not sufficiently transparent to allay public suspicion of improper influence. Commissioners requested that a Letter of Instruction be drafted for city officials expressing their concerns and recommending changes and the adoption of recommendations by the City's Independent Auditor General. Miami City Attorney George Wysong stated before the Commission that changes to the city's temporary hiring procedures to make the process more transparent and less vulnerable to the unfair influence of city employees are already under way.

Miami Mayor Tomas Regalado's failure to report a trip to Argentina last summer prompted the Ethics Commission to issue a Letter of Instruction to the Miami City Attorney's office. Travel and hotel expenses for the mayor's trip, during which the mayor attended several events promoting development in Miami, were paid for by the privately-funded Buenos Aires Convention and Visitors Bureau. 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 regarding tickets to special events where an official function is performed. Because he had relied upon legal counsel, the complaint against Mayor Regalado (**C 14-16**) was dismissed. The Letter cites a Florida Ethics Commission opinion that travel at the expense of any agency other than the official's agency should be considered a gift, and provides a checklist for Miami and other municipal attorneys to consider when advising about reporting travel.

While Ethics Commissioners last month found No Probable Cause to a complaint (**C 13-38**) that Kira Grossman, 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. The Commission did not find Probable Cause because the fundraiser was advertised as a networking event, but it indicated concern that Ms. Grossman's actions strayed close to a misuse of her government-owned computer for a private purpose. Today the COE approved a Letter of Instruction, noting that Grossman's behavior was very close to crossing the ethical line, as evidenced by a 2 to 1 vote against finding probable cause. It also reminds Ms. Grossman and all public officials and employees that government resources may not be used to support a political campaign and should not be used for any purpose other than official business.

After Probable Cause was found last month (**C 14-18**) 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 Ethics Commission that she is prohibited from doing so, the COE today issued a Letter of Instruction to her. Firefighter Sloan-Simpkins is explicitly instructed not to appear before any board or agency on behalf of her private non-profit organization (Majestic's Youth & Arts Academy) or any third party. Firefighter Sloan-Simpkins has stated that she understands the restrictions and will now utilize other individuals to make presentations on behalf of her organization.

A different Miami-Dade firefighter, John Watler, who runs a fitness center during his off-duty hours, was charged with failing to follow requirements of the Ethics Ordinance to disclose the income obtained from his second job, despite receiving training over the years instructing county employees to do so. Firefighter Watler stipulated to the Ethics Commission's finding of Probable Cause to the complaint (**C 14-26**), and has accepted a settlement agreement to pay a \$500 fine. Firefighter Watler formed Top Rank Fitness, Inc., in 2012, but never received permission required to allow him to engage in outside employment, nor did he file a Statement of Outside Employment, which is mandatory for county workers.

In other matters today, Ethics Commission Executive Director Joseph Centorino reported that registrations for the COE's Political Campaign Ethics Conference on Friday, May 16, at St. Thomas University Law School, have been very strong, and that he anticipates a highly successful conference covering a variety of campaign-related topics. He also noted that C-Span will be present to record several sessions for airing on the channel during the summer. Registration and information can be found at ethics.miamidade.gov.

Finally, there was changing of the guard with retirement of an original Ethics Commission member and the swearing in of its newest member. Dr. Judith Bernier, Academic Program Director for the Labor Center, was sworn in today and served at her first meeting as Ethics Commissioner. She is the Commission appointee of the Florida International University Labor Center. She replaces Dr. Dawn Addy, who served on the Commission for 13 years.

Meanwhile, serving for his final Ethics Commission meeting was original member Kerry Rosenthal. Rosenthal, a Miami attorney and partner with the law firm Rosenthal, Rosenthal, Rasco, was appointed by the Miami-Dade League of Cities in 1998. He served several years as Chair of the Ethics Commission. His replacement will be announced by the League prior to the Commission's June 12 meeting.

Still to be named to the Ethics Commission is a representative of St. Thomas University School of Law to fill the seat vacated last month by University of Miami Professor Charlton Copeland.

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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