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Former mayor settles ethics complaint

The Miami-Dade Commission on Ethics and Public Trust (COE) today agreed to settle 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 cost of the flight was valued between \$450 and \$850 – well beyond the \$100 threshold for required gift reporting. Under the settlement, Bateman agreed not to contest the charge and will pay a \$500 fine and accept a Letter of Reprimand.

Ethics Commissioners went on record today against a proposed County ordinance that would exempt vendor presentations from the Cone of Silence, thereby permitting such meetings to be closed to the general public. They did so following statements by the COE Executive Director and the County's Inspector General expressing opposition to the change. The COE 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 from the written submission and that earlier presenters be given an opportunity for rebuttal at the end of the session.

The Ethics Commission dismissed complaints (**C 14-37 and C 14-47**) filed against two members of the Miami-Dade County Taxi Advisory Group (TAG) for failing to file financial disclosure statements. Both Diego Feliciano and Les Eisenberg served on the group in 2012 and 2013 and should have filed the reports by the July 1, 2013, and July 1, 2014, deadlines. The TAG was established in 2003, but did not report to the Board of County Commissioners until a revision in its status in 2012 that changed it to an official advisory committee. Because the respondents were not advised of the new requirement that they file financial disclosure forms, the COE will issue a Letter of instruction.

The COE affirmed the findings of a Hearing Examiner 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**) filed by former Cutler Bay mayoral candidate Art Nanni against his opponent Peggy Bell. Nanni accused Bell of violating the Fair Campaign Practices ordinance by allowing a website to publish inflammatory and derogative statements about him, not condemning the website and quoting from it. However during the special hearing on October 23, 2014, former Florida Supreme Court Chief Justice Judge Gerald Kogan, sitting as a hearing examiner, found no evidence linking Ms. Bell to the website or its content and recommended dismissal of the complaints.

The COE found No Probable Cause to a complaint (**C 14-31**) filed by Miami Gardens City Councilman Erhabor Ighodaro against his opponent Francis David Rago, accusing him of distributing a phony flyer showing a third party activist endorsing Rago instead of Ighodaro. The original slate of candidates supported by Abraham Thomas endorsed the incumbent in the August 23, 2014, primary election. However, the Ethics Commission found no evidence that Rago was responsible for the altered handout and the case was dismissed.

Two other campaign-related complaints (**C 14-48 and C 14-49**) were filed by B. Marc Mogil against Lewis Thaler, a former candidate for mayor of Sunny Isles Beach. The first alleges that a political flyer introducing Thaler as “our next mayor” violated the Ethical Campaign Practices Ordinance for “untruthful and intentional distortion.” The other charges that a flyer supporting former Vice-Mayor Thaler injects partisan politics into a non-partisan race. The Ethics Commission found no violations in either case, deemed the complaints as Not Legally Sufficient and dismissed them.

Finally, Sweetwater’s current Mayor, Jose Diaz, filed a complaint (**C 14-50**) against Orlando Lopez, who is running for the mayor’s seat next year, accusing Lopez of violating state law by campaigning in a government building. Lopez was seen passing out pens with a campaign slogan inside City Hall. Since that does not violate any ordinance under jurisdiction of the Ethics Commission, it was dismissed. The matter may be referred to the Miami-Dade State Attorney’s Office or the Florida Elections Commission.

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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