

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of January 14, 2015

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on January 14, 2015. Present were Commission Chair Nelson Bellido, Vice-Chair Lawrence Schwartz and Commissioner Judith Bernier. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Miriam Ramos, Deputy General Counsel; Gilma Diaz-Greco, Staff Attorney; Rhonda Victor Sibiliala, Communications Director; and Rachelle Cedeno Ross, Executive Secretary and Larry Lebowitz, Investigator. Also present were Edmee Prats, Matt Haber, Michael Fernandez, Paul Mauriello, Mario Garcia, Kevin Verister, Dusty Melton, Thomas Cobitz and Charles May. The meeting was called to order at 10:05 a.m. A quorum was present.

I. Approval of Minutes from December 10, 2014

Commissioner Schwartz moved to approve the minutes of December 10, 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 and one from the School Board, not under the COE jurisdiction.

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 presented the implementing order to establish an Honor Code for Miami-Dade County employees and politicians, which will be submitted to the Board of County Commissioners for approval. He also announced that Principal Baruti Kafele, a highly-regarded education consultant, author and motivational speaker, will be the Keynote Speaker at an evening reception that will kick off the "Ethics in Education" conference scheduled for May 1 and 2, 2015.

Communications Director Rhonda Victor Sibiliala reported on the COGEL Conference in Pittsburgh in December, noting how highly regarded the Miami-Dade Ethics Commission is among the organization's members.

VI. Complaints

The Ethics Commission convened in closed session at 10:34 a.m. The Commission returned to open session at 11:18 a.m. and took the following action:

Commissioner Schwartz made a motion to find Probable Cause to a complaint (C 14-36) accusing Hialeah Mayor Carlos Hernandez of making false statements to the public about income he earned from a private loan under the Truth in Government provision of the Citizen's Bill of Rights. Investigators compared statements Hernandez made at press conferences in both English and Spanish in October 2011 with testimony he gave during the federal tax evasion trial of former Mayor Julio Robaina last year and determined they were contradictory. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

Commissioner Schwartz made a motion to find No Probable Cause, but to also issue a Letter of Instruction regarding a complaint (C 14-38) against former State Rep. Eddy Gonzalez for violating the Mandatory Fair Campaign Practices Ordinance when he ran for Property Appraiser last fall. The winning candidate, Pedro Garcia, alleged that the Gonzalez campaign lied in political ads which stated that, in his first term as Property Appraiser, Garcia paid a \$400,000 salary to a no-show employee. The investigation found the ads were misleading, but did not expose Garcia to hatred, contempt or ridicule or injure him in his business or occupation, as required for there to be a violation of the ordinance. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

Commissioner Schwartz made a motion to affirm the request from counsel for the respondent in C 14-41 to a continuance, with the understanding the case will be heard no later than the March meeting. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

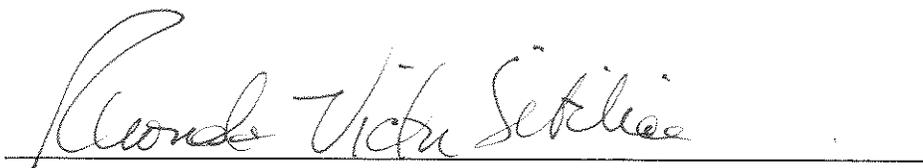
Commissioner Schwartz made a motion to find No Probable Cause that two supervisors in Miami-Dade's Public Works and Waste Management Department retaliated against an employee. Sanitation truck driver Rolando Valdes filed a complaint (C 14-52) alleging that his performance evaluation and merit increase were withheld due to his "whistle blower" status after reporting unsafe conditions to the Office of the Inspector General. However, once the situation was brought to the attention of his supervisors, Valdes immediately received his evaluation and recommendation for a merit raise. Commissioner Bernier seconded the motion and it was unanimously approved (3-0).

Commissioner Schwartz made a motion to find Probable Cause, approve a settlement agreement and issue a Letter of instruction regarding a complaint (C 14-53) against the Mayor of Bay Harbor Islands for violating a provision that prohibits officials from being compensated by a third party seeking a benefit from the official's government. Mayor Yaffe agreed not to contest the allegation and pay \$250 for investigative costs. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

Commissioner Schwartz made a motion to dismiss a complaint (C 14-54) filed by Friedrich Siegel against Miami-Dade County Mayor Carlos Gimenez, the Board of County Commissioners and Hialeah Mayor Carlos Hernandez for refusing to adapt a finance system because it is Not Legally Sufficient. Commissioner Bernier seconded the motion and it was unanimously approved (3-0).

VII. Adjournment

There being no further business before the Ethics Commission, Vice-chair Schwartz moved to adjourn. The motion was seconded by Commissioner Bernier and it passed unanimously (3-0). The meeting adjourned at 11:23 a.m.



Prepared by Rhonda Victor Sibilias, Communications Director