

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of June 17, 2015

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on June 17, 2015. Present were Commission Chair Nelson Bellido, Commissioner Judith Bernier and Commissioner Marcia Narine. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Staff Attorney; Rhonda Victor Sibia, Communications Director; Rachele Cedeno, Executive Secretary; and Ethics Commission Intern James Dafonte. Also present were Assistant Miami City Attorney Matt Haber, Inspector General Mary Cagle, Joe Bober, Haley Edelson and Attorneys J.C. Planas, Kendall Coffey, Peter Raben, Christine King and Bruce King. The meeting was called to order at 10:05 a.m. by Chairman Bellido. A quorum was present.

I. Approval of Minutes from May 13, 2015

Commissioner Narine moved to approve the minutes of May 13, 2015. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

II. Public Comments

There were no public comments.

III. Section Eight Requests

Staff Attorney Gilma Diaz-Greco reported that a corrections officer sought to contract with the County under the federally-funded Section 8 program and, since he is not associated with the Miami-Dade Public Housing and Community Development Department, recommended approval. Commissioner Narine made a motion to support the recommendation. It was seconded by Commissioner Bernier and unanimously approved (3-0).

IV. Monthly Summary of Inquiries/Housing requests

Staff Attorney Diaz-Greco presented a Summary of Inquiries issued since the last meeting and highlighted a few of them. She also presented the requests of five County employees to be permitted to seek assistance through programs overseen by the Miami-Dade Public Housing and Community Development Department. Since none are involved with the administration of the programs, Commissioner Narine made a motion to approve their participation. It was seconded by Commissioner Bernier and unanimously approved (3-0).

V. Miami Beach Lobbyist Appeals

Advocate Michael Murawski presented a list of thirty-eight registered lobbyists in Miami Beach who neglected to file the city's required expenditure statements on time. After discussion, the following action was taken: Commissioner Narine made a motion to reduce the fine for Andrew Capitman to \$300. It was seconded by Commissioner Bernier and unanimously approved (3-0). Commissioner Narine made a motion to charge twenty percent of the fine, or \$760, for Javier Font. It was seconded by Commissioner Bernier and unanimously approved (3-0). Commissioner Narine made a motion to reduce the fine for Bruce King to \$300. It was seconded by Commissioner Bernier and unanimously approved (3-0). Commissioner Narine made a motion to reduce the fine for Olivia Ormos to \$250. It was seconded by Commissioner Bernier and unanimously approved (3-0). Mr. Murawski recommended that, since the 34 others were new to the process and had no prior history, the fines be waived. Commissioner Narine made a motion to waive the fines. It was seconded by Commissioner Bernier and unanimously approved (3-0).

VI. Executive Director's Report

Executive Director Joseph Centorino reported that negotiations with Inspector General Mary Cagle over proposed changes to the Employee Protection Ordinance and the proposed Honor Code seemed to have resolved conflicts between the two. Commissioner Narine expressed concern that the verbiage left some employees unprotected. Both Mr. Centorino and Ms. Cagle stated that the "gap" would be raised at future

meetings, including at a Sunshine meeting with County officials that would be held the following day. Mr. Centorino shared the topic of the recent Municipal Attorneys Luncheon, "Political Ethics: an Oxymoron?," and discussed the fact that the Ethics Commission takes a broader view of unethical actions beyond what is cited in the County Ethics Code, often recommending that public servants refrain from acts creating an appearance of impropriety.

Chairman Bellido again noted the unfilled commissioner appointee of the Miami-Dade League of Cities.

VII. Complaints

Advocate Michael Murawski recommended dismissal of the final count of a complaint (**C 14-41**) against former Miami-Dade County Solid Waste Department administrator Billy Hardemon for failing to disclose outside income relating to campaign work for two candidates seeking office in Miramar. Both testified that Mr. Hardemon volunteered for their respective campaigns and was never paid. An examination of bank records did not show any funds from his wife's consulting firm going directly to him. Commissioner Narine made a motion to dismiss the count. It was seconded by Commissioner Bernier and unanimously approved (**3-0**).

The Ethics Commission convened in closed session at 11:07 a.m. The Commission returned to open session at 11:50 a.m. and took the following action:

Commissioner Narine made a motion to find No Probable Cause to a complaint (**C 15-01**) filed against former Interim Sweetwater Mayor Jose M. Diaz regarding actions taken while he was running for election last fall. The investigation could not find sufficient corroborating evidence to support the allegations, and Diaz was removed from the ballot by the courts. It was seconded by Commissioner Bernier and unanimously approved (**3-0**).

Commissioner Narine made a motion to find No Probable Cause to a complaint (**15-02**) against Jesus Menocal, who was Chief of the Sweetwater Police Department during last fall's campaign, alleging that he exploited his position by soliciting help and placing signs on behalf of then-Mayor Diaz. The investigation found insufficient evidence that Menocal misused his post, and noted that any assistance provided to Diaz by Menocal occurred when he was off-duty and not in uniform. The motion was seconded by Commissioner Bernier and unanimously approved (**3-0**).

Commissioner Narine made a motion to find No Probable Cause to a complaint (**15-04**) against developer Donald Trump who was accused of lobbying County officials without registering to do so. The investigation concerned initial discussions with Mayor Carlos Gimenez about managing Crandon Golf Course. Since there was no proposal for which action was being sought at the time of the initial, the discussions could not be considered lobbying. The motion was seconded by Commissioner Bernier and unanimously approved (**3-0**).

In a related matter, an associate of Trump, Ed Russo, was accused of having meetings with County officials to seek assistance to prepare the unsolicited proposal to manage the golf course. However, once he was notified of the need to register as a lobbyist, he did so. The Advocate recommended that since Mr. Russo normally does not engage in lobbying, testified that he was unaware of Miami-Dade's regulations, and complied as soon as he was told he needed to do so, that Probable Cause be found to the complaint (**C 15-05**) and that the complaint be dismissed upon issuance of a Letter of Instruction. Commissioner Narine made a motion to support the Advocate's recommendation. It was seconded by Commissioner Bernier and unanimously approved (**3-0**).

Commissioner Narine made a motion to find No Probable Cause to a complaint (**15-06**) against Miami-Dade Mayor Carlos Gimenez for knowingly permitting a person who was not registered to lobby him, regarding Donald Trump's interest in Crandon Golf Course. Since there was no proposal for which action was being sought at the time of the initial, the discussions could not be considered lobbying. The motion was seconded by Commissioner Bernier and unanimously approved (**3-0**).

Commissioner Narine made a motion to find No Probable Cause to a complaint (**C 15-13**) against Doral City Councilman Pete Cabrera for violating the “Truth in Government” provision of the Citizen’s Bill of Rights. The complaint was based on an item on a city council agenda labeled as a staff report, when it was actually originated by Cabrera. The investigation found that while the labeling may have been inaccurate, the act doesn’t rise to an intentional ethics violation and the complaint was dismissed. The motion was seconded by Commissioner Bernier and unanimously approved (**3-0**).

Commissioner Narine made a motion to find a complaint (**C 15-17**) filed against North Miami Beach Councilwoman Phyllis Smith alleging campaign violations as Not Legally Sufficient. Some accusations may violate state election laws, which are not under the jurisdiction of the Ethics Commission. Others may have violated the Voluntary Fair Campaign Practices ordinance; however Councilwoman Smith did not sign the agreement to be bound by the ordinance. The motion was seconded by Commissioner Bernier and unanimously approved (**3-0**).

Commissioner Narine made a motion to find a complaint (**C 15-18**) against the Miami Shores Village Charter School Authority regarding possible Sunshine Law violations as Not Legally Sufficient because the Ethics Commission does not enforce the Sunshine Law. The matter was referred to the State Attorney’s Office. The motion was seconded by Commissioner Bernier and unanimously approved (**3-0**).

VIII. Advocate Evaluation

Executive Director Joseph Centorino presented his satisfactory evaluation of the Advocate and recommended a 4.3% salary increase. Commissioner Narine made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (**3-0**).

IX. Old Business

Chairman Bellido confirmed the public hearing for **C 14-36** (Carlos Hernandez) for 1 p.m. after the regularly-scheduled meeting on July 8th.

X. 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 12:01 p.m.

Prepared by Rhonda Victor Sibilia, Communications Director