

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of March 11, 2015

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on March 11, 2015. Present were Commission Chair Nelson Bellido, Vice-Chair Lawrence Schwartz and Commissioner Marcia Narine. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Miriam Ramos, Deputy General Counsel; Gilma Diaz-Greco, Staff Attorney; Rhonda Victor Sibia, Communications Director; Rachelle Cedeno, Executive Secretary, Investigators Karl Ross, Robert Steinback and Breno Penichet, and Ethics Commission Interns Dalisi Otero, Denise Calle, Ashely Castillo and Halia Braynon. Also present were Attorney Robert Meyers, Assistant Miami City Attorney Matt Haber, Mario Garcia, Kevin Vericker, Billy and Barbara Hardemon, and attorneys Peter Raben and Christine King. The meeting was called to order at 10:00 a.m. A quorum was present.

I. Approval of Minutes from February 11, 2015

Commissioner Narine moved to approve the minutes of February 11, 2015. The motion was seconded by Commissioner Schwartz and unanimously approved (3-0).

II. Public Comments

There were no public comments.

III. Requests for Opinion

Staff Attorney Gilma Diaz-Greco presented **Request for Opinion 15-01** in which a Miami-Dade County employee asked if serving as a foster parent qualifies as outside employment. The staff recommendation answering 'no' included determinations by both the State of Florida, which considers foster parenting as a volunteer activity, and the Internal Revenue Service, which exempts foster care payments as part of a parent's income, since stipends received by foster parents are intended for the care of the child and are not considered compensation. Commissioner Schwartz made a motion to approve the staff recommendation. It was seconded by Commissioner Narine and unanimously approved (3-0).

Executive Director/General Counsel Joseph Centorino presented **Request for Opinion 15-02** concerning a proposed City of Homestead resolution that would waive the ban on payment for meals and other activities at 14 upcoming out-of-town events, but does not name the public officials, contributing vendors nor the value of the benefits anticipated. Attorney Robert Meyers, who sought the opinion on behalf of the city, claimed the incidental costs were each worth less than the gift-reporting threshold of \$100 and should not have to be formally waived, but Mr. Centorino countered that argument and recommended that a waiver of the prohibition should be decided by a majority public vote of the governing body and include the disclosure of who is providing any travel-related benefit to a public official, as well as the identity of the public official receiving the benefit. Commissioner Schwartz made a motion to approve the staff recommendation. It was seconded by Commissioner Narine and unanimously approved (3-0).

IV. Monthly Summary of Inquiries/Housing requests

Staff Attorney Diaz-Greco presented one request for a contract with the Miami-Dade Public Housing and Community Development Department, but since it came from an employee of the School Board, the COE has no jurisdiction. She also presented a Summary of Inquiries issued since the last meeting and noted two county

employees eligible to take part in housing assistance programs.

V. Executive Director's Report

Executive Director Joseph Centorino presented a proposed resolution to honor retired Florida Supreme Court Justice Gerald Kogan with a "Lifetime Achievement Award for Ethics in Public Service" to be presented at the opening session of the "Ethics In Education: A to Z" conference on Friday, May 1, 2015 at the University of Miami's Storer Auditorium beginning at 5:30 p.m. Commissioner Schwartz made a motion to approve the resolution. It was seconded by Commissioner Narine and unanimously approved (3-0).

Forensic Accountant/Investigator Karl Ross made a presentation about two cases the Ethics Commission did not see because they were handled in the criminal justice system, though they originated here - the criminal convictions of former Homestead Mayor Steve Bateman and former Miami mayoral candidate Jeff Benjamin.

Executive Director Centorino reported that 47 applications had been received for the position of part-time attorney and expects to announce the appointee at the next meeting.

Deputy General Counsel Miriam Ramos was recognized for her dedication to the Ethics Commission during the past nine years as she leaves to become deputy city attorney in Coral Gables. In addition to presentation of a plaque, words of praise came from the current executive director, his predecessor, Robert Meyers, and Ethics Commission Chair Bellido.

VI. Complaints

The Ethics Commission convened in closed session at 11:11 a.m. The Commission returned to open session at 12:01 p.m. and took the following action:

Commissioner Narine made a motion to find No Probable Cause to **C 14-41** because of the broad definition of "job-basis employee," which permits county staff to work variable hours as long as they fulfill their responsibilities, and because it could not be proven that Billy Hardemon did not accomplish his county duties or that he directly used his position to provide a special benefit to anyone. The motion was seconded by Commissioner Schwartz and unanimously approved (3-0).

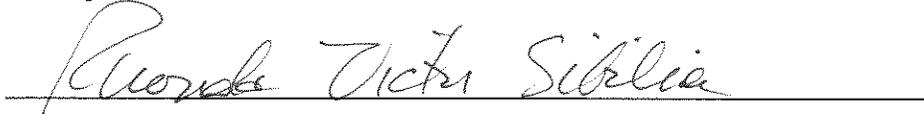
Commissioner Narine made a motion to approve the Advocate's request for an extension of time to make a probable cause determination in **C 15-01**. The motion was seconded by Commissioner Schwartz and unanimously approved (3-0).

Vice-Chair Schwartz made a motion to approve the Advocate's request for an extension of time to make a probable cause determination in **C 15-02**. The motion was seconded by Commissioner Narine and unanimously approved (3-0).

Vice-Chair Schwartz made a motion to dismiss for lack of legal sufficiency a complaint (**C 15-10**) filed against an assistant building director for the city of Miami Beach since the complainant cited the wrong party. Commissioner Narine 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 Narine and it passed unanimously (3-0). The meeting adjourned at 12:06 p.m.



Prepared by Rhonda Victor Sibilica, Communications Director