

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of May 13, 2015

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on April 8, 2015. Present were Commission Chair Nelson Bellido, Vice-Chair Lawrence Schwartz, Commissioner Judith Bernier and Commissioner Marcia Narine. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Staff Attorney; Martha Perez, Staff Attorney, Rhonda Victor Sibilia, Communications Director; Rachele Cedeno, Executive Secretary, Investigator Breno Penichet, and Ethics Commission Interns Denise Calle. Also present were Robert Meyers, Esq., Assistant Miami City Attorney Matt Haber, Inspector General Mary Cagle, Carol Jordan, Esq., Miami-Dade League of Cities Ex. Dir. Richard Kuper & Pres. /Homestead Councilman John Burgess, Dan Jonas, Graham Winnick and Kevin Vericker. The meeting was called to order at 10:00 a.m. by Chairman Bellido. A quorum was present.

I. Approval of Minutes from April 8, 2015

Vice-Chair Schwartz moved to approve the minutes of April 8, 2015. The motion was seconded by Commissioner Narine and unanimously approved (4-0).

II. Public Comments

There were no public comments.

III. Miami-Dade League of Cities

At the request of the Executive Director to move them up on the agenda, Miami-Dade League of Cities Executive Director Richard Kuper and League President/Homestead City Councilman John Burgess explained why they have not filled the vacant position on the Ethics Commission. Both stated that qualified candidates who have expressed interest do not want to give up political or lobbying activities, as required by the COE enabling ordinance. They also stated they want an individual who is known by the League. After discussion, Mr. Kuper and Councilman Burgess agreed to consider and meet with other former office holders to try to fill the vacancy.

IV. Requests for Opinion

Staff Attorney Gilma Diaz-Greco presented **RQO 15-03** which recommended that a senior systems analyst and programmer for the Miami-Dade Transit Department's information technology applications may NOT take an outside job with a private company seeking to develop a transit tracking system, because it is anticipated that the County will soon integrate its tracking systems with those of the cities for the benefit of users. The opinion states that the work Andrew Hagewood would perform for his private clients would be closely related and intertwined with the work he performs for Miami-Dade Transit, creating a conflict of interest. Vice-Chair Schwartz made a motion to adopt the recommended opinion. It was seconded by Commissioner Narine and unanimously approved (4-0).

General Counsel Joseph Centorino presented **RQO 15-04** which determined that a Bal Harbour City Councilman who works as a department manager in the Neiman Marcus Store in Bal Harbour Shops may NOT vote on the mall's zoning application for expansion. The question concerns Councilman Jamie Sanz, and is meant to clarify prior opinions related to the project. Former COE Ex. Dir. Robert Meyers, whose law firm represents the councilman, stated why he thought there is no conflict, but also expressed gratitude that the legal precedent would be set with the opinion. The opinion concluded as follows: 1) the Neiman Marcus Store was an "affected entity" under Subsection 2-11.1 (d) of the Ethics Ordinance, and therefore, Sanz's employment by the store created a voting conflict; 2) the mall and store expansion could directly or indirectly benefit

Councilman Sanz as a store department manager, also creating a conflict of interest. Vice-Chair Schwartz made a motion to adopt the recommended opinion. It was seconded by Commissioner Narine and unanimously approved (4-0).

V. Miami Beach Lobbyist Appeals

Advocate Michael Murawski presented a list of twenty registered lobbyists in Miami Beach who neglected to file the city's required expenditure statements on time. One lobbyist, Olivia Ormos, who was cited for the second time, requested to appear before the Ethics Commission at the next meeting to appeal the fine. Commissioner Narine made a motion to defer action until June. It was seconded by Commissioner Narine and unanimously approved (4-0).

Another lobbyist, Steve Polisar, who had been cited for late filings in the previous two years, requested a waiver because of the illness of his partner. Commissioner Narine made a motion to reduce the fine to \$200. It was seconded by Commissioner Bernier and unanimously approved (3-0, Vice-Chair Schwartz recused). Mr. Murawski recommended that, since the 18 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 (4-0).

VI. Monthly Summary of Inquiries/Housing requests

Staff Attorney Diaz-Greco presented a Summary of Inquiries issued since the last meeting and highlighted two of them. She also presented the requests of three 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 Vice-Chair Schwartz and unanimously approved (4-0).

VII. Executive Director's Report

Executive Director Joseph Centorino reported that a lawsuit filed by former COE investigator Arthur Skinner alleging age discrimination and retaliation went to trial over the past week and a jury found no liability. He credited the County Attorney's office for its quality representation and expressed gratitude to the City of Coral Gables for permitting former Deputy General Counsel Miriam Ramos to assist the defense.

Mr. Centorino reported that more than 275 people registered to attend the "Ethics In Education: A to Z" conference and thanked staff for the successful event.

Mr. Centorino discussed proposed changes to the Employee Protection Ordinance and the Ethics Commission's role in whistleblower retaliation. He and Inspector General Mary Cagle described conflicts with the proposed Honor Code, but both expressed optimism that the differences can be worked out.

[Chairman Bellido departed at 11:24]

VIII. Complaints

Special Advocate Carol Jordan presented the results of her investigation in to a complaint (C 14-51) filed by Jorge Gonzalez against Mario Garcia when they were running against each other for a city commission seat in North Bay Village last fall. Incumbent Gonzalez claimed that Garcia published and mailed flyers with damaging and untrue allegations about him to voters. Ms. Jordan stated that Gonzalez failed to demonstrate that the statements were untrue or made with "actual malice," as would be required to violate the Mandatory Fair

Campaign Practices ordinance and recommended a finding of No Probable Cause. Commissioner Narine made a motion to support the finding and dismiss the case. It was seconded by Commissioner Bernier and unanimously approved (3-0).

Commissioner Narine made a motion to approve a Letter of Instruction for Michael Marrero, who was accused in a complaint (C 15-08) of violating Miami Beach's ordinance by failing to register as a lobbyist before he appeared before the Historic Preservation Board in April 2014. It was seconded by Commissioner Bernier and unanimously approved (3-0).

IX.

The Ethics Commission convened in closed session at 11:29 a.m. The Commission returned to open session at 11:38 a.m. and took the following action:

Commissioner Narine made a motion to find No Probable Cause to a complaint (C 15-07) that Councilman Gabriel Groisman used his public office to benefit his family by opposing the planting of a hedge around a marina and using city resources to investigate marina operations, since the investigation failed to find any violation of the Conflict of Interest and Code of Ethics Ordinance. 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 15-09) filed against the film and event production manager for the City of Miami Beach who was accused of favoritism by a restaurant owner on Espanola Way since the investigation did not find evidence of a bias. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

Commissioner Narine made a motion to find No Legal Sufficiency to a complaint (C 15-14), filed against incumbent Coral Gables Mayor James Cason by a volunteer for his opponent in the recent election, Ralph Cabrera. Alfredo Balsera claims he was harmed by being referred to as a "paid mouthpiece" and "paid neighbor," but because the founder of Balsera Communications has served as a hired spokesperson in several prior political campaigns, such a reference cannot be considered to be a violation of the Ethical Campaign Practices Ordinance. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

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 11:39 a.m.



Prepared by Rhonda Victor Sibia, Communications Director