

# MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

## Summary of Minutes and Agenda Actions

### Meeting of November 18, 2015

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on November 18, 2015. Present were Commission Chair Nelson Bellido, Vice Chair Lawrence Schwartz and Commissioner H. Jeffrey Cutler. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco and Martha Perez, Staff Attorneys; Rhonda Victor Sibilis, Communications Director; Rachelle Cedeno Ross, Executive Secretary; and Sylvia Batista and Breno Penichet, Investigators. Also present were Assistant Miami City Attorney Matt Haber, Miami-Dade Transit Director Alice Bravo, Jean-Francois Gervais, Attorney Micky Marrero, Helene O'Brien and her attorney Katherine Philips, and other members of the public. The meeting was called to order at 10:00 a.m. by Chairman Bellido. A quorum was present.

#### **I. Approval of Minutes**

Vice Chair Schwartz moved to approve the minutes of the Oct. 14, 2015 meeting. The motion was seconded by Commissioner Cutler and unanimously approved (3-0).

#### **II. Request for Opinion**

Miami-Dade Transit Director Alice Bravo, who requested an opinion from the Commission and was asked to attend in regards to **RQO 15-06**, discussed her situation and answered several questions. However, out of respect for Commissioner Narine, who had specific questions, but was out of town, Vice Chair Schwartz moved the item be tabled until the next meeting. Commissioner Cutler seconded the motion and it was unanimously approved (3-0).

#### **III. Section Eight Requests**

Staff Attorney Diaz-Greco reported that four County employees sought to contract under the federally-funded Section 8 program, and, since they are not associated with the Miami-Dade Public Housing and Community Development Department, recommended approval of their requests. Vice Chair Schwartz made a motion to support the recommendation. It was seconded by Commissioner Cutler 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 several of them. She also presented the requests of nine County employees and family members to seek assistance through programs overseen by the Miami-Dade Public Housing and Community Development Department, none of whom are involved with the administration of the programs. Vice Chair Schwartz made a motion to approve their participation. Commissioner Cutler seconded the motion and it was unanimously approved (3-0).

#### **V. Miami Beach Lobbyist Appeals**

Three lobbyists registered in Miami Beach, who were late in filing their required financial statements, appeared before the Commission seeking a reconsideration of the fines. The following actions were taken:

--Vice Chair Schwartz made a motion to waive the fine for Jean-Francois Gervais. It was seconded by Commissioner Cutler and unanimously approved (3-0).

--Vice-Chair Schwartz made a motion to waive the fine for Daniel Lebensohn. It was seconded by Commissioner Cutler and unanimously approved (3-0).

--Vice-Chair Schwartz made a motion to waive the fine for Helene O'Brien. It was seconded by Commissioner Cutler and unanimously approved (3-0).

#### **VI. Executive Director's Report**

Executive Director Joseph Centorino called the fourth annual Ethical Governance Day on October 22<sup>nd</sup> as probably "our most successful," with more than 200 participants in classrooms across the county and described a wonderful assembly at Bob Graham Education Center for the Ethics Teacher of the Year presentation to Ingy Cruz. He also recognized the staff support for the event he called a "logistical nightmare," specifically citing Rodzandra Sanchez and Robert Thompson for

their work.

He stated that the Honor Code for Miami-Dade County officials and employees was finally adopted by the Board of County Commissioners on Oct. 20<sup>th</sup> by a unanimous vote and said that the Internal Services Department will put language referring to the Honor Code in all future procurement contracts. Mr. Centorino also plans to meet with department ethics officers for a "train-the-trainer" session and will include the Honor Code in the upcoming ethics refresher training. He reported that project is almost finished in-house and will be produced on-line by an outside vendor for an approximate cost of \$38,000.

Mr. Centorino updated Commissioners on the status of the fine levied against Hialeah Mayor Carlos Hernandez, who attempted to pay it with 28 large buckets of coins. He said a lawsuit was filed last week in small claims court, where a hearing is set for December 9<sup>th</sup>.

## VII. Complaints

Advocate Michael Murawski presented the final order for **C 15-28**, in which former Chief Justice Gerald Kogan, serving as a special master in an expedited hearing on Nov. 2, found No Probable Cause that Miami Beach City Commission Candidate Mark Weithorn violated the Mandatory Fair Campaign Practices Ordinance for ads he placed against Ricky Arriola. The Ethics Commission convened in closed session at 10:53 a.m. The Commission returned to open session at 11:01 a.m. and took the following action:

Vice Chair Schwartz made a motion to dismiss as Not Legally Sufficient a complaint (**C 15-24**) filed against three Miami Beach Public Works administrators for failing to provide public records in a timely manner under the Miami-Dade County Citizens' Bill of Rights, since the records requested did not exist at the time of the request. It was seconded by Commissioner Cutler and unanimously approved (**3-0**).

On January 13, 2016, the Ethics Commission voted 3-0 to approve the following amendment to the minutes regarding the previous vote:

*Vice Chair Schwartz made a motion to dismiss as Not Legally Sufficient a complaint (C 15-24) filed against three Miami Beach Public Works administrators for failing to provide public records in a timely manner under the Miami-Dade County Citizens' Bill of Rights, because the Bill of Rights only addresses inspections of public records, not copies of public records. There was no possibility of inspection since the records did not exist at the time of the request. The motion was seconded by Commissioner Cutler and unanimously approved (3-0).*

Vice Chair Schwartz made a motion to dismiss as Not Legally Sufficient a complaint (**C 15-25**) against North Miami Beach Councilwoman Phyllis Smith for allegedly lying about her family vehicles and driving habits, because that is not under the jurisdiction of the Ethics Commission. It was seconded by Commissioner Cutler and unanimously approved (**3-0**).

Vice Chair Schwartz made a motion to dismiss as Not Legally Sufficient a complaint (**C 15-26**) against Kristen Rosen-Gonzalez, who was accused of distributing anonymous literature using scare tactics and untrue statements in her campaign for Miami Beach City Commission, because that does not constitute violations of the Mandatory provisions of the Fair Campaign Practices Ordinance. It was seconded by Commissioner Cutler and unanimously approved (**3-0**).

## VIII. Old Business

Executive Director Centorino noted that Nelson Bellido's term as Commission Chair will expire in December and that the first item of the meeting on December 16 would be the selection of his replacement.

## IX. Adjournment

There being no further business, Vice Chair Schwartz moved to adjourn. The motion was seconded by Commissioner Cutler and it passed unanimously (**3-0**). The meeting adjourned at 11:03 a.m.



Prepared by Rhonda Victor Sibilia, Communications Director