

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of September 9, 2015

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on September 9, 2015. Present were Commission Chair Nelson Bellido, Vice Chair Lawrence Schwartz Commissioner Judith Bernier and Commissioner Marcia Narine, who arrived shortly after the meeting started. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Staff Attorney; Martha Perez, Staff Attorney; Rhonda Victor Sibilia, Communications Director; Rachelle Cedeno Ross, Executive Secretary, Sylvia Batista and Breno Penichet, Investigators; and COE Interns. Also present were 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 amended minutes of the July 8 meeting. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

Vice Chair Schwartz moved to approve the minutes of the August 12, 2015 meeting. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

II. Public Comments

Dusty Melton commented on C 15-05 and compared it to an earlier case regarding lobbyist registration. Al Crespo commented on C 15-06 and discussed the filing of Form 8 by Commission Vice Chair Schwartz.

III. Requests for Opinion

Staff Attorney Martha Perez presented a proposed response to **Request for Opinion 15-05**, which concluded that travel, meals and lodging costs incurred personally by a lobbyist are NOT reportable expenses, although such travel, meals or lodging provided by a lobbyist for a public official would have to be reported. Commission Vice Chair Schwartz moved to approve the opinion. It was seconded by Commissioner Narine and unanimously approved (4-0).

Staff Attorney Gilma Diaz-Greco presented **RQO 15-06**, concerning a possible conflict of interest involving a department director's spouse being employed by a County vendor, but Commissioners requested more information. The opinion was tabled until the next meeting when the individuals who sought it could be present to answer questions raised by Commission members.

IV. Section Eight Requests

Staff Attorney Gilma Diaz-Greco reported that one County employee sought to contract 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. Vice Chair Schwartz made a motion to support the recommendation. It was seconded by Commissioner Narine and unanimously approved (4-0).

V. 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 three County employees 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).

VI. Miami Beach Lobbyist Appeals

Advocate Michael Murawski presented 11 appeals from lobbyists registered in Miami Beach who were late in filing their required financial statements. The following actions were taken:

- Vice Chair Schwartz made a motion to waive the penalty for Alison Burgos. It was seconded by Commissioner Narine and unanimously approved (4-0).
- Vice-Chair Schwartz made a motion to impose the fine of \$3,650 against Nicoletta Canesi. It was seconded by Commissioner Narine and unanimously approved (4-0).
- Vice Chair Schwartz made a motion to waive the penalty for Carlos Cardoso. It was seconded by Commissioner Narine and unanimously approved (4-0).
- Commissioner Narine made a motion to impose the fine of \$5,900 against John Chibbaro. It was seconded by Vice-Chair Schwartz and unanimously approved (4-0).
- Vice Chair Schwartz made a motion to waive the penalty for Alan Faena. It was seconded by Commissioner Narine and unanimously approved (4-0).
- Vice-Chair Schwartz made a motion to reduce the fine to \$1,950 against Gonzalo Gayoso. It was seconded by Commissioner Narine and unanimously approved (4-0).
- Vice-Chair Schwartz made a motion to waive the fine against Roman Jones. It was seconded by Commissioner Narine and unanimously approved (4-0).
- Vice-Chair Schwartz made a motion to impose the fine of \$350 against William Lane. It was seconded by Commissioner Narine and unanimously approved (4-0).
- Vice-Chair Schwartz made a motion to waive the fine against Carlos Salazar. It was seconded by Commissioner Narine and unanimously approved (4-0).
- Vice-Chair Schwartz made a motion to impose the fine of \$10,550 against Jose L. Sanchez. It was seconded by Commissioner Narine and unanimously approved (4-0).
- Vice-Chair Schwartz made a motion to reduce the fine to \$250 against Suria Yaffar. It was seconded by Commissioner Narine and unanimously approved (4-0).

VII. Executive Director's Report

Executive Director Joseph Centorino reported that the proposed budget for fiscal year 2015/16 is \$2.01 million, up slightly from the current year due mostly to merit increases.

He announced that as of this date more than 130 volunteer applications had already been received for the fourth Ethical Governance Day on Oct. 22, 2015.

Mr. Centorino issued an invitation to Ethics Commissioners to attend the Environmental Justice and Municipal Governance luncheon this Friday at the University of Miami.

He stated that the proposed Honor Code for Miami-Dade County employees has been approved by a County

Commission subcommittee and was scheduled for a final vote before the full board in early October. He said that a new investigator, Scarlett Aldana, has been hired and announced that the Miami-Dade League of Cities had appointed former Pinecrest Councilman H. Jeffrey Cutler to the COE. Both will be introduced at the next meeting.

VIII. Complaints

Advocate Michael Murawski presented a proposal Letter of Reprimand regarding **C 14-36** for Hialeah Mayor Carlos Hernandez. Vice Chair Schwartz made a motion to ratify the Letter. It was seconded by Commissioner Narine and unanimously approved (**4-0**).

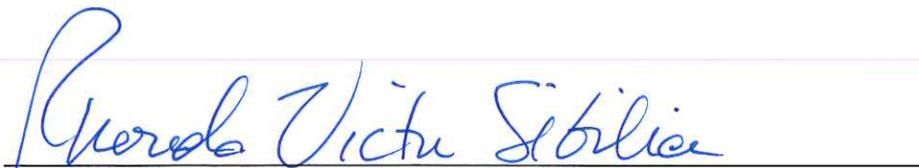
Vice Chair Schwartz recused himself at 11:20 a.m. due to a personal conflict on C 15-05 and left the commission chamber. A Letter of Instruction for **C 15-05** was presented by the Advocate. Commissioner Narine made a motion to ratify it. The motion was seconded by Commissioner Bernier and unanimously approved (**3-0**). Vice Chair Schwartz returned at 11:30 a.m.

The Ethics Commission convened in closed session at 11:35 a.m. The Commission returned to open session at 12:01 p.m. and took the following action:

Vice Chair Schwartz made a motion to find No Probable Cause to a complaint (**C 15-16**) filed against Doral Mayor Luigi Boria, who was accused of violating the "Truth in Government" provision of the Citizens' Bill of Rights in the City Charter by stating that no public funds would be used to underwrite the January 25, 2015, Miss Universe Pageant, when the city did budget and spend \$1.6 million of the \$2.5 million dollars sought by the pageant. Because discussions of financial allocations occurred publicly and Mayor Boria expressed hope, not certainty, that the city would be reimbursed by private sponsors for expenses, the motion called to dismiss the complaint, but also to warn the mayor to be more careful in public statements that could be misleading. The motion was seconded by Commissioner Bernier and approved **3-1** (Narine opposed).

IX. 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 (**4-0**). The meeting adjourned at 12:03 p.m.



Prepared by Rhonda Victor Sibilica, Communications Director