

# MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

## Meeting of April 13, 2016

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on April 13, 2016. Present were Commission Vice-Chair H. Jeffrey Cutler and Commissioners Judith Bernier, Nelson Bellido and Marcia Narine. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Martha Perez and Radia Turay, Staff Attorneys; Rhonda Victor Sibilia, Communications Director; Rachelle Cedeno Ross, Executive Secretary; and Nilda Olmo and Breno Penichet, Investigators. Also present were South Miami Mayor Philip Stoddard, South Miami City Manager Steven Alexander and other members of the public. The meeting was called to order at 10:03 a.m. by Vice-Chair Cutler. A quorum was present.

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

Commissioner Narine made a motion to approve the minutes of the March 9, 2016, meeting. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

### **II. Public Comment**

None.

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

Staff Attorney Diaz-Greco reported that three County employees sought to contract under the federally-funded Section 8 program, and, since none are associated with the Miami-Dade Public Housing and Community Development Department, recommended approval of their requests. Commissioner Bellido made a motion to support the recommendation. It was seconded by Commissioner Narine and unanimously approved (4-0).

### **IV. Housing requests**

Staff Attorney Diaz-Greco presented the requests of thirteen County employees to seek assistance through programs overseen by the Miami-Dade Public Housing and Community Development Department, and since neither they nor any of their family members oversee or administer the programs, recommended they be approved. Commissioner Bellido made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (4-0).

### **V. Monthly Summary of Inquiries**

Staff Attorney Martha Perez presented a Summary of Inquiries issued since the last meeting and highlighted four of them.

### **VI. Miami Beach Lobbyist Appeals**

Advocate Michael Murawski presented the cases of two individuals who registered as lobbyists in Miami Beach but were delinquent in filing their expenditure statements. He recommended waiving the fine for Glenn Boyer since he filed the statement upon receiving a reminder. Commissioner Narine made a motion to approve the recommendation. It was seconded by Commissioner Bellido and unanimously approved (4-0).

Mr. Murawski also recommending waiving the file for Christian Luz. Commissioner Bernier made a motion to approve the recommendation. It was seconded by Commissioner Bellido and approved 3-0 (Narine recused).

## VII. Executive Director's Report

- Executive Director Joseph Centorino discussed state legislation concerning mandatory legal fees associated with unfilled public records requests. He noted that it did not pass before the Florida Legislature adjourned, but expects it to be re-introduced next year.
- He stated the proposed amendment to the County Charter expanding the Citizens' Bill of Rights to include public records copying was approved by the County Commission Strategic Planning and Government Operations Subcommittee and is expected to go before the full County Commission in May. A series of public hearings will be held around the county to explain the proposal. A representative of the Ethics Commission staff will attend each hearing.
- Mr. Centorino presented a proposed amendment to the Ethics Commission Rules of Procedure that requires staff to send a formal notice of final decisions on complaints to complainant and respondent. Commissioner Narine made a motion to approve the proposal as recommended. It was seconded by Commissioner Bernier and unanimously approved (4-0).
- He presented a proposed amendment to the Conflict of Interest and Code of Ethics Ordinance that would prohibit County and municipal employees who perform contract-related duties from seeking jobs with those outside vendors, while employed by the local government, and thanked Advocate Michael Murawski for his assistance in putting the proposal together. Two drafts were presented. Commissioner Bellido made a motion to approve the second draft of the proposed amendment, providing for a total ban and also prohibiting contractors from offering jobs to employees. It was seconded by Commissioner Narine and unanimously approved (4-0).
- After hosting a series of successful meetings with Ethics Officers from all Miami-Dade County departments, Mr. Centorino said the office is contacting officials in all of the municipalities, and asking them, on a voluntary basis, to appoint one or more ethics officers who would be invited to attend a meeting with COE staff in May.
- Mr. Centorino expressed his concern that Carnival Cruise Lines, which is a County contractor at Port Miami and plans to initiate trips to Cuba, could be violating County anti-discrimination laws by prohibiting Cuban-born Americans from boarding their ship, under rules established by the Cuban government. After much discussion, Ethics Commissioners chose not to take action since the issue was not on the agenda and they wanted time to get more information on the subject.

## VIII. Closed Session

The Ethics Commission called a break in the meeting at 10:57 a.m. and convened in closed session at 11:04 a.m. Commissioners returned to open session at 11:23 a.m., and took the following actions:

- Commissioner Bellido made a motion to find No Probable Cause to a complaint (C 16-03) filed against South Miami Mayor Philip Stoddard and Commissioner Robert Welsh for violating that city's ethics ordinance prohibiting influence over a city board. Mayor Stoddard contended that Green Task Force is not a board and told Ethics Commissioners that he is drafting legislation to clarify the intent of the decades-old ordinance and remove the ambiguity regarding the regulations associated with a "board," "committee" or "task force." The motion was seconded by Commissioner Narine and unanimously approved (4-0).
- Commissioner Bellido made a motion to find No Probable Cause to a complaint (C 16-04) filed against Miami-Dade Transit officials by a Metrorail driver who claimed he was fired in retaliation for being a whistleblower, but the investigation found he was terminated due to insubordination and for conduct unbecoming a County employee. The motion was seconded by Commissioner Narine and unanimously approved (4-0).

-Commissioner Bellido made a motion to find No Probable Cause to a complaint (C 16-06) filed against the Miami-Dade County Public Housing and Community Department's Public Information Officer, who was accused of failing to abide by the Public Records access requirement in the County's Citizens' Bill of Rights, after the investigation determined the request was fulfilled and the complaint was dismissed. The motion was seconded by Commissioner Narine and unanimously approved (4-0).

- Commissioner Bellido made a motion to find No Probable Cause to a complaint (C 16-07) filed against a Miami-Dade Police Sergeant accused of improperly using his position in the Special Investigation Division to evict a tenant in his apartment complex, but where the investigation found that the officer followed due process. The motion was seconded by Commissioner Narine and unanimously approved (4-0).

- Commissioner Bellido made a motion to support the Advocate's request for an extension of time to make a probable cause determination on C 16-08 and dismiss allegations against two of the respondents as Not Legally Sufficient because they address personnel issues not under the Commission's jurisdiction. The motion was seconded by Commissioner Narine and unanimously approved (4-0).

- Commissioner Bellido made a motion to find C 16-10 Not Legally Sufficient because it refers to personnel issues not under the jurisdiction of the Ethics Commission. The motion was seconded by Commissioner Narine and unanimously approved (4-0).

#### **IX. Other Business**

Executive Director Centorino introduced FIU instructor Rina Cohen and two of her students in attendance at the meeting.

Advocate Michael Murawski told Commissioners about the agency's participation in the Corporate Run on April 28<sup>th</sup> and invited them to take part or visit the COE tent.

#### **X. Adjournment**

There being no further business, the meeting adjourned at 11:29 a.m.



Prepared by Rhonda Victor Sibilia, Communications Director