

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of August 10, 2016

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on August 10, 2016. Present were Commission Chair Lawrence Schwartz, Vice Chair H. Jeffrey Cutler and Commissioner Judith Bernier. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco and Radia Turay, Staff Attorneys; Rhonda Victor Sibilia, Communications Director; Rachelle Cedeno Ross, Executive Secretary; and Sylvia Batista, Nilda Olmo and Breno Penichet, Investigators. Also present were Attorneys Sam Dubbin, Joseph Serota, George Wysong and Jeffrey Leary and other members of the public. The meeting was called to order at 10:04 a.m. by Chairman Schwartz. A quorum was present.

I. Approval of Minutes

Vice Chair Cutler made a motion to approve the minutes of the July 13, 2016, meeting. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

II. Public Comment

None

III. Requests for Opinions

Staff Attorney Gilma Diaz-Greco presented a draft letter for **RQO 16-01**, regarding the establishment of a limit on how many paid marketing surveys County employees may complete per year before being required to seek permission for outside employment and to file annual disclosure statements for outside employment. The letter sets a limit of ten transactions or less than \$1,000 in income before outside employment regulations kick in. Commissioner Bernier made a motion to approve the opinion. It was seconded by Vice Chair Cutler and unanimously approved (3-0).

IV. Section Eight Requests

Staff Attorney Diaz-Greco had two requests for individuals to contract under the federally-funded Section 8 program. One was an employee with Miami-Dade Public Schools and not within the COE jurisdiction. The second was withdrawn, so no action was taken.

V. Housing requests

Staff Attorney Diaz-Greco presented the requests of three 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. Vice Chair Cutler made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (3-0).

VI. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff between July 2, 2016, and August 1, 2016, of which several were briefly discussed.

VII. Miami Beach Lobbyist Appeals

Staff Attorney Martha Perez presented the cases of five individuals who registered as lobbyists in Miami Beach but were delinquent in filing their expenditure statements. Because all were architects who had never been cited before, she recommended waiving the fine for all of them. Vice Chair Cutler made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved **(3-0)**.

VIII. Executive Director's Report

Executive Director Joseph Centorino presented three proposed amendments to the Ethics Commission Rules of Procedure and requested they be approved. One requires that an individual named as the respondent of an investigation be notified when the complaint is found to be legally insufficient and dismissed. Another would require that respondents to complaints be informed about the confidentiality of the investigation. The third states that when the COE orders a public hearing on a complaint, the respondent and complainant be provided with the Probable Cause memorandum at least ten days before the hearing. Commissioner Bernier made a motion to approve the recommended amendments. It was seconded by Vice Chair Cutler and unanimously approved **(3-0)**.

Mr. Centorino said that a proposal to update the Ethics Commission enabling ordinance to reflect the changes from a manager to strong mayor County government will be sponsored by County Commissioner Rebeca Sosa. He reported that a referendum will go before voters in Miami Beach in the November 8th general election that would amend the city's lobbying ordinance. If approved, it will eliminate the requirement that registered lobbyists who have no expenses associated with lobbying file an annual expenditure statement. The request for the referendum came from the Ethics Commission because of the drain of staff resources to investigate late filers and adjudicate the fines that are usually disproportionate to the offense.

He invited Ethics Commissioners to the next municipal attorney luncheon. It will be held Thursday, September 8, 2016, at 12 Noon at the 94th Aero Squadron Restaurant and will include Miami-Dade Elections Supervisor Christina White and Assistant County Attorney Oren Rosenthal as guest speakers on current issues in local elections.

Mr. Centorino asked Ethics Commissioners to approve designating Thursday, October 20th as the Fifth Annual Ethical Governance Day and stated that the Miami-Dade County School Board was expected to approve a similar resolution later in the day. Vice Chair Cutler made a motion to approve the designation. It was seconded by Commissioner Bernier and unanimously approved **(3-0)**.

IX. Complaints

Attorney Joseph Serota, representing Robin Jones-Jackson, requested that the Ethics Commission stay last month's vote to reconsider the No Probable Cause ruling for **C 15-27**, pending the outcome of a Circuit Court decision on the appeal of the Commission's action. Attorney Samuel Dubbin spoke against the request. Vice Chair Cutler made a motion to stay the reconsideration pending the court ruling. It was seconded by Commissioner Bernier and unanimously approved **(3-0)**.

Advocate Michael Murawski presented a Letter of Reprimand as part of the settlement from a division chief in Miami-Dade's Department of Regulatory and Economic Resources who admitted she asked employees in her unit to help her on projects related to her son's wedding. Commissioner Bernier made a motion to approve the Reprimand for **C 16-08** to Mallika Muthiah. It was seconded by Vice Chair Cutler and unanimously approved **(3-0)**.

Mr. Murawski presented a Letter of Instruction for Miami Police Chief Rodolfo Llanes who stipulated to Probable Cause to a complaint (C 16-20) that he failed to report as gifts free tickets he was given to a concert. Commissioner Bernier made a motion to ratify the Letter. It was seconded by Vice Chair Cutler and unanimously approved (3-0).

The Ethics Commission convened in closed session at 10:46 a.m. Commissioners returned to open session at 11:37 a.m. and took the following actions:

- Vice Chair Cutler made a motion to deny a request to squash a subpoena associated with K 16-21. It was seconded by Commissioner Bernier and unanimously approved (3-0).
- Commissioner Bernier made a motion to dismiss for No Probable Cause a complaint (C 16-12) against Opa-Locka City Attorney Vincent Brown, who sent an email blast to all city employees this past March about federal subpoenas for 20 individuals, by two of those named, since that the email blast did not violate any confidentiality requirements. Vice Chair Cutler seconded the motion and it was unanimously approved (3-0).
- Commissioner Bernier made a motion to dismiss for No Probable Cause a complaint (C 16-16) filed against attorney Kent Harrison Robbins for improper lobbying because he had not taken required ethics training before he addressed Miami's Historic and Environmental Board. However, he stated that to the board and received permission from the members to speak. Vice Chair Cutler seconded the motion and it was unanimously approved (3-0).
- C 16-17 was deferred for lack of a quorum to the September meeting.
- C 16-19 was deferred by the Advocate to the September meeting.
- Vice Chair Cutler made a motion to approve an extension of time to make a Probable Cause determination requested by the Advocate for C 16-24. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).
- Vice Chair Cutler made a motion to dismiss C 16-25, C 16-26, C 16-27, and C 16-28 as Not Legally Sufficient because they did not identify violations within the jurisdiction of the Ethics Commission. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).
- Advocate Murawski sought 2 subpoenas for PI 16-03, 2 for K 15-53 and 2 for K 15-25. Vice Chair Cutler made a motion to approve. It was seconded by Commissioner Bernier and unanimously approved (3-0).

X. Other Business

Executive Director Centorino presented the annual evaluation of Advocate Michael Murawski and recommended a merit increase of 4.3%. Vice Chair Cutler made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (3-0).

XI. Adjournment

There being no further business, the meeting adjourned at 11:44 a.m.



Prepared by Rhonda Victor Sibilia, Communications Director