

# MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

## Meeting of December 16, 2016

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on December 16, 2016. Present were Commission Chair Judge Lawrence Schwartz; Vice Chair Jeffrey Cutler and Commissioners Nelson Bellido, Judith Bernier and Marcia Narine Weldon. 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; Robert Thompson, Community Outreach Coordinator; Rachele Cedeno, Executive Secretary; Nilda Olmo and Breno Penichet, Investigators; and members of the public. The meeting was called to order at 10:00 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 November 9, 2016, meeting. The motion was seconded by Commissioner Bernier and unanimously approved (4-0 Bellido not yet arrived).

### II. Public Comment

None.

### III. Request for Opinion

Staff Attorney Gilma Diaz-Greco presented **RQO 16-04** from the Elections Department, asking if a process may be developed for certain public employees and officials who are required to file a County financial disclosure statement to do so soon after ending their service. Currently, they must file the disclosures by July first of the year following their work, but there is no process in place that permits them to file before the calendar year ends. That may pose administrative problems when filers separate from their local public duties early in a year and change address or simply forget to file by July of the next year. Commissioner Narine Weldon made a motion to approve the recommendation to create such a form. The motion was seconded by Vice Chair Cutler and unanimously approved (5-0).

### IV. Section Eight Requests

Staff Attorney Diaz-Greco had two requests for County employees to contract under the federally-funded Section 8 program, and, since neither were associated with the Miami-Dade Public Housing and Community Development Department, recommended approval. Commissioner Bellido made a motion to support the recommendation. It was seconded by Commissioner Narine Weldon and unanimously approved (5-0).

### V. Housing requests

Staff Attorney Diaz-Greco presented the requests of ten 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 Narine Weldon and unanimously approved (5-0).

### VI. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff between October 29 and December 2, 2016, of which two were briefly discussed. The discussion of one raised the question regarding "indirect compensation or benefits" and Commissioners suggested to staff that a bright line should be established to determine when a corporate officer might trigger the requirement to file outside employment

and financial disclosure statements.

## VII. Lobbyist Appeal

Staff Attorney Martha Perez presented the request to appeal a fine of \$4,800 from the City of Miami Beach for late filing of the required lobbyist expenditure report for Carlos Prio-Touzet. His attorney, Matthew Amster, requested the fee be waived. Because this is the second time Mr. Prio-Touzet sought a fee waiver, Ms. Perez recommended reducing the fine to ten percent or \$480. Commissioner Bellido made a motion to accept the staff recommendation. It was seconded by Commissioner Bernier and unanimously approved (5-0).

## VIII. Executive Director's Report

--Executive Director Joseph Centorino shared a *Miami Times* story on the "Citizens Academy" held November 19th in Opa-locka that drew about two dozen residents, hoping it would be impetus for them to expand their civic involvement. He also said the staff would begin in-depth ethics training to all Opa-locka employees in January.

--Mr. Centorino discussed the staff investigation of a lobbyist hired by Miami-Dade County, Fausto Gomez, who also served as a lobbyist for the Miami-Dade Expressway Authority and the conflicts that arose from that during last year's state legislative session, as explained in a distributed *Miami Herald* story. He said the issue would be taken up by the Board of County Commissioners in January.

--Mr. Centorino announced a conference on "The Ethics of doing business with Cuba" will be held on March 10<sup>th</sup> at Barry University with assistance and participation from Commissioners Narine Weldon and Bellido.

-- He invited Commissioners to the next municipal attorney luncheon on Thursday, February 2, 2017, at the Knife Steakhouse at Bayside, featuring a panel discussion on Municipal Policing.

-- Having just returned from the annual COGEL conference in New Orleans, Mr. Centorino said it reinforced to him the value of the Miami-Dade Ethics Commission, which was recognized by others for its independence and innovation. Commissioner Bellido stated that since he joined the COE in 2010, he has seen great progress and commended the executive director and staff for setting a high standard for ethics commissions.

## IX. Complaints

--Advocate Michael Murawski presented a Letter of Instruction for a Miami-Dade Fire Rescue Capt. Nelson Paganacci who, in October, settled a complaint (C 16-19) accusing him of exploiting his official position by parking and electrically charging his personal recreational vehicle in the station he commands. The Letter explains that Capt. Paganacci's action to move a department vehicle from the station garage to make room for his RV exploited County resources for his personal benefit and expects this experience will guide his future conduct to set a better example for those under his command. Vice Chair Cutler made a motion to ratify the Letter. It was seconded by Commissioner Bernier and unanimously approved (4-0; Weldon recused).

--Advocate Murawski presented a Letter of Instruction to Surfside Town Manager Guillermo Olmedillo who admitted, in response to a complaint (C 16-24), that he failed to file Outside Employment Disclosures in 2014 and 2015. Since he immediately fulfilled the requirement, the Letter advises that individuals like him in leadership positions should be aware of requirements in the County Code and that Olmedillo use this experience to guide his future conduct and set an example for the employees in the town of Surfside. Commissioner Bellido made a motion to ratify the Letter. It was seconded by Vice Chair Cutler and unanimously approved (5-0).

**The Ethics Commission convened in closed session at 10:46 a.m. Commissioners returned to open session at 11:29 a.m. and took the following actions:**

-- Commissioner Narine Weldon made a motion to accept the findings of Special Advocate Laudelina Fernandez McDonald who investigated a complaint (C 16-21) filed against Ethics Commission Executive Director Joseph Centorino by the attorney for Palmetto Bay Vice Mayor John Dubois. She stated she found insufficient evidence to support allegations that the Director violated the 'Truth in Government' and 'Right to be Heard' provisions of the Citizens Bill of Rights, especially since an ethics investigation into a vote by the Vice Mayor is ongoing. Ms. MacDonald also determined that an alleged violation of the Ethics Commission Rules of Procedure is not an actionable offense under the COE's jurisdiction and recommended it be dismissed for Lack of legal Sufficiency. Commissioner Bernier seconded the motion and it was unanimously approved (4-0; Bellido recused).

-- Vice Chair Cutler made a motion to find No Probable Cause to a complaint (C 16-32) filed against Travis Kalanick, the Chief Executive Officer of Uber, for lobbying a County Commissioner without being properly registered. The investigation determined that the evidence did not show that the contacts made by Mr. Kalanick in the Fall of 2013 involved attempts to influence pending decisions, and therefore, did not fall under the legal definition of lobbying. The motion was seconded by Commissioner Narine Weldon and approved 4-1 (Bellido opposed).

--Commissioner Narine Weldon made a motion to find No Legal Sufficiency to a complaint (C 16-36) filed by an employee of Miami-Dade's Public Works and Waste Management Department alleging retaliation by some of his supervisors, since Rolando Valdes did not suffer "adverse personnel action." The motion was seconded by Commissioner Bernier and approved 4-1 (Bellido opposed).

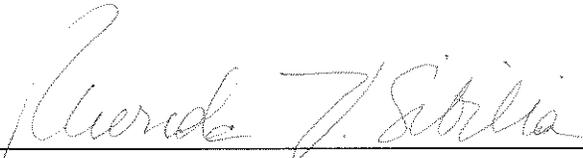
--Commissioner Narine Weldon made a motion to affirm the findings of Hearing Examiner Gerald Kogan during an expedited hearing on November 7, 2016. He found No Probable Cause to a complaint (C 16-37) filed by Jose Alvarez, a candidate for a North Bay Village commission seat, and his wife, Mary Kramer, accusing Village Vice Mayor Jorge Gonzalez of violating the Ethical Campaign Practices Ordinance. Vice Chair Cutler seconded the motion and it was unanimously approved (5-0).

#### **X. Old Business**

None

#### **XI. Adjournment**

There being no further business, the meeting adjourned at 11:30 a.m.



---

Prepared by Rhonda Victor Sibilía, Communications Director