

# MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

## Meeting of February 10, 2016

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on February 10, 2016. Present were Commission Chair Lawrence Schwartz, Vice-Chair H. Jeffrey Cutler and Commissioners Judith Bernier and Marcia Narine. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco and Martha Perez, Staff Attorneys; Rhonda Victor Sibia, Communications Director; Rachelle Cedenos, Executive Secretary; Sylvia Batista, Nilda Olmo and Breno Penichet, Investigators and Steve Koch, legal intern. Also present were students from Barry University and other 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**

Commissioner Narine made a motion to approve the minutes of the January 13, 2016, meeting. The motion was seconded by Vice-Chair Cutler and unanimously approved (4-0).

### **II. Public Comment**

There was no public comment.

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

Staff Attorney Diaz-Greco reported that one County employee sought to contract under the federally-funded Section 8 program, and, since she is not associated with the Miami-Dade Public Housing and Community Development Department, recommended approval of her request. Vice-Chair Cutler 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 two County employees 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 Cutler made a motion to approve their participation. Commissioner Narine seconded it and it was 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 several of them, as well as answered questions regarding two inquiries.

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

Public Advocate Michael Murawski presented a request for an appeal from one lobbyist registered in Miami Beach, who did not receive notice to file his required financial statement because of a change in address and recommended to waive the fine. Commissioner Narine made a motion to approve the recommendation. It was seconded by Vice-Chair Cutler and unanimously approved (4-0).

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

Executive Director Joseph Centorino reported that an ordinance prohibiting Miami Beach officials from soliciting for Political Action Committees connected to local elections has been approved by the City Commission and noted that the Ethics Commission support was influential in the vote. He also reported that a proposed County ordinance requiring elected officials to report solicitations of contributions to PACs – also supported by the Ethics Commission – was referred to a County Commission workshop for further discussion. He reviewed the staff recommendation that the Board of County Commissioners (BCC) deny a waiver of conflict of interest for the Pittman Law Group, which lobbies on behalf of the BCC and also sought to lobby on

behalf of ride-sharing company Uber in support of legislation that would preempt local regulation of so-called Transportation Network Entities, contrary to the County's stance. The BCC accepted the recommendation at its 2/2/16 meeting and denied the waiver.

Mr. Centorino shared a request from the Jacksonville Ethics Commission that the COE adopt a resolution similar to the one the Jacksonville agency adopted opposing bills filed in the state legislature that would remove mandatory attorney fees when a court determines that a government agency has failed to fulfill public records requests. After discussion, Vice-Chair Cutler made a motion to oppose the elimination of mandatory court costs, but enable judges to have more leeway on how much may be paid to attorneys and also to encourage the legislature to use a more balanced approach to making any change to the law, which may include provisions to discourage exploitation of the Public Records Law by undeserving litigants. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

Continuing discussion over concerns about Miami Beach Lobbyist Appeals, Mr. Centorino said that the Miami Beach City Attorney is willing to draft a ballot proposal changing the city's lobbyist expense reporting requirement and suggested that the Ethics Commission indicate its support of the change. Following discussion, Ethics Commissioners requested Mr. Centorino to seek administrative changes in how Miami Beach handles overdue expense reports to reduce or eliminate the investigative burden on the COE staff.

Mr. Centorino said that he is adding a part-time position to the COE legal staff and expects to announce the new hire at the next meeting.

#### **VIII. Closed Session**

The Ethics Commission convened in closed session at 10:46 a.m., returned to open session at 10:55 a.m., and took the following actions:

Commissioner Narine made a motion to approve the Advocate's request for a second extension of time to make a probable cause determination on **C 15-27**. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

Commissioner Narine made a motion to find No Probable Cause to a complaint (**C 15-29**) filed under the Miami-Dade Citizens' Bill of Rights against Palmetto Bay Mayor Eugene Flinn, for failing to preserve early versions of his State of the Village address, and to issue a Letter of Instruction clarifying Public Record retention laws. She also suggested that the Letter, once approved, be copied to all municipalities. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

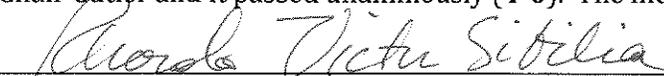
Commissioner Narine made a motion to approve the request for a second extension of time to make a probable cause determination on **C 15-30**. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

Commissioner Narine made a motion to find as Not Legally Sufficient, a complaint (**C 15-01**) filed against the COE director and an investigator for releasing the names of individuals who reported possible misconduct, since that is not an ethics violation. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

Commissioner Narine made a motion to find as Not Legally Sufficient, a complaint (**C 16-05**) filed by an employee of the Miami-Dade Water and Sewer Department who claimed he suffered retaliation and faced a hostile workplace after reporting violations about his agency, because accusations of retaliation must be made within 60 days of the negative action and this complaint came more than two years after the alleged incidents. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

#### **IX. Adjournment**

There being no further business, Commissioner Narine moved to adjourn. The motion was seconded by Vice-Chair Cutler and it passed unanimously (4-0). The meeting adjourned at 10:57 a.m.

  
Prepared by Rhonda Victor Sibilia, Communications Director