

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of January 13, 2016

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on January 13, 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 Henry Stolar, Leyla Rojas Osorio and other members of the public. The meeting was called to order at 9:57 a.m. by Chairman Schwartz. A quorum was present.

I. Approval of Minutes

Vice-Chair Cutler moved to approve an amendment to the minutes of the Nov. 18, 2015 meeting. The motion was seconded by Commissioner Bernier and unanimously approved (**3-0; Narine abstain**).

Commissioner Narine made a motion to approve the minutes of the December 16, 2015 meeting. The motion was seconded by Commissioner Bernier and unanimously approved (**4-0**).

II. Public Comment

Henry Stolar continued his presentation of suggestions to improve the complaint filing and notification process and thanked the Commission for its consideration of amending the Citizens' Bill of Rights to include the right to copy public records as well as inspect them.

III. Request for Opinion

Staff Attorney Mimi Diaz-Greco presented a proposed letter to Miami-Dade Transit Director Alice Bravo, who requested an opinion (**RQO 15-06**), about her husband, Walfrido Pevida's role on County projects within the Transit Department performed by his employer, Stantec. The opinion recommended that Stantec adopt an internal policy to ensure that Mr. Pevida avoid participating in any County project and not receive financial benefits related to Stantec's County business, that Ms. Bravo recuse herself from any decision-making regarding Stantec, and that the Transit Department create procedures to ensure that agency employees do not oversee or administer contracts that involve their family members. Ms. Bravo must also file a statement with the County Clerk disclosing her spouse's employment with Stantec. Commissioner Narine made a motion to approve the opinion. It was seconded by Commissioner Bernier and unanimously approved (**4-0**).

IV. Section Eight Requests

Staff Attorney Diaz-Greco reported that two County employees sought to contract under the federally-funded Section 8 program, and, since they are not associated with the Miami-Dade Public Housing and Community Development Department, recommended approval of their requests. (A third applicant worked for the Miami-Dade School System, for which the COE has no jurisdiction.) Commissioner Narine made a motion to support the recommendation. It was seconded by Vice-Chair Cutler and unanimously approved (**4-0**).

V. Financial Disclosure

Staff Attorney Diaz-Greco presented updated forms required for certain officials to complete for 2015, along with a chart describing which forms must be filed by different position-holders.

VI. 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. Commissioner Narine made a motion to approve their participation. Commissioner Bernier seconded it and it was unanimously approved (**4-0**).

VII. 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.

VIII. Miami Beach Lobbyist Appeals

Public Advocate Michael Murawski presented a request for an appeal from one lobbyist registered in Miami Beach, who was late in filing her required financial statement, but passed along a request from her attorney to defer action until after the end of the state legislative session. Vice-Chair Cutler made a motion to approve the deferral. It was seconded by Commissioner Bernier and unanimously approved (4-0).

IX. Executive Director's Report

Executive Director Joseph Centorino introduced new investigator Nilda Olmo, who greeted the board and was welcomed to the agency.

He presented a proposed amendment to the COE Rules of Procedure which requires that, within five business days of receiving a complaint, staff will send written confirmation, the assigned number of the complaint and a form explaining the procedures, investigation and notice of hearing and final disposition of the complaint to the filer. Vice-Chair Cutler made a motion to approve the change. It was seconded by Commissioner Narine and unanimously approved (4-0).

Mr. Centorino presented a new complaint form that notes the procedural change. Commissioner Narine suggested that a line be added noting the local agencies over which the COE has no jurisdiction (school system, courts and state offices).

The executive director presented a proposed resolution for an amendment to the Citizens' Bill of Rights to go before voters in November that would include the right to *copy* public records, in addition to the right to *inspect* them, and hoped it would go before the County Commission in March. Vice-Chair Cutler made a motion to support the proposed change. It was seconded by Commissioner Narine and unanimously approved (4-0).

Mr. Centorino summarized the Integrity Florida Corruption Risk Report, noting that the state has improved from first to third in the nation for public corruption convictions. He also cited the report's recommendation that the State Ethics Commission be permitted to initiate investigations as in support of the COE's maintaining and defending its own discretion to initiate and conduct investigations.

In response to Ethics Commissioners' concerns about Miami Beach Lobbyist Appeals, Mr. Centorino explained that any change in the city's ordinance regarding lobbyist reporting would require approval in a voter referendum.

Mr. Centorino noted that legislation which would require candidates for County and municipal office to disclose contributions solicited for Political Action Committees and Electioneering Communication Organizations passed a County Commission Committee the previous day and he sought Ethics Commission support for the ordinance. Commissioner Narine made a motion to support the proposal in concept. It was seconded by Commissioner Bernier and unanimously approved (4-0).

X. Closed Session

The Ethics Commission convened in closed session at 11:00 a.m. during which time it approved the issuance of 6 subpoenas. There were no complaints considered. The Commission returned to open session at 11:01 a.m.

XI. 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 11:02 a.m.


Prepared by Rhonda Victor Sibilica, Communications Director