

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of March 9, 2016

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on March 9, 2016. Present were Commission Chair Lawrence Schwartz, 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; Nilda Olmo and Breno Penichet, Investigators and Steve Koch, legal intern. Also present were Assistant Miami City Attorney Vivian Reyes, Henry Stolar, Stephen Herbits 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 February 10, 2016, meeting. The motion was seconded by Commissioner Bernier and unanimously approved (5-0).

II. Public Comment

Henry Stolar discussed his letter that had been distributed to Ethics Commissioners and explained he would like to see the COE's rules amended so that complainants and respondents are notified about the status of their complaints.

III. Section Eight Requests

Staff Attorney Diaz-Greco reported that four 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 Bernier and unanimously approved (5-0).

IV. Housing requests

Staff Attorney Diaz-Greco presented the requests of eleven 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. (One, employed by Miami-Dade Public Schools, was not under COE jurisdiction).

V. Outside Employment

Staff Attorney Diaz-Greco explained all of the recent actions the Ethics Commission staff has undertaken to clarify and update outside employment guidelines, opinions and forms.

VI. Monthly Summary of Inquiries

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

VII. Executive Director's Report

-Executive Director Joseph Centorino introduced recently-hired Staff Attorney Radia Turay, who thanked the Commission for the opportunity to work with the agency.

-He discussed the Municipal Attorney's luncheon last month and said the next would be held in late May or early June.

-Mr. Centorino announced a series of meetings over the next few weeks to reestablish regular communications with Ethics Officers from all Miami-Dade County departments, and to provide them with special training and COE updates to enable them to perform more effectively their role as liaisons to the COE.

-In his legislative update, Mr. Centorino reported that an amendment to a bill that would remove the mandatory legal fees for an unfulfilled public records request was an acceptable compromise to public records advocates. He noted that Miami-Dade County Commissioner Rebeca Sosa will sponsor the proposed amendment to the County Charter expanding the Citizens' Bill of Rights to include public records copying that will go before the Government Operations Subcommittee prior to being considered by the full County Commission. He also shared a proposed ordinance the County Commission will consider that will align County procedures with state requirements for officials with voting conflicts, and asked for COE endorsement. Commissioner Narine made a motion to endorse the proposal. It was seconded by Vice-Chair Cutler and unanimously approved (5-0).

-Following his discussion with the Miami Beach City Attorney over concerns about Lobbyist Appeals, Mr. Centorino said that he was asked to attend a City Commission meeting to request that a ballot question changing the city's lobbyist expense reporting requirement be put before voters this year. He also discussed the opinion sought by Miami Beach Mayor Philip Levine regarding a zoning vote on property adjacent to land he owns, indicating that the mayor had decided to recuse himself and withdraw the request for an opinion, following a discussion between Mr. Centorino and the Miami Beach City Attorney.

VIII. Complaints

Advocate Michael Murawski presented a draft Letter of Instruction providing guidance to the Village of Palmetto Bay on the state Public Records Law and Miami-Dade County's Citizens' Bill of Rights, following the dismissed complaint (C 15-29) against Palmetto Bay Mayor Eugene Flinn for failing to preserve early versions of his State of the Village address. The Letter explains that each time a new version of the speech was created and shared, it became a public record. Commissioner Narine made a motion to approve the Letter. It was seconded by Vice-Chair Cutler and unanimously approved (5-0).

IX. Closed Session

The Ethics Commission convened in closed session at 10:48 a.m., returned to open session at 11:15 a.m., and took the following actions:

-Commissioner Narine made a motion to find No Probable Cause to a complaint (C 15-27) filed against an assistant Miami City attorney who was accused of making false or misleading statements during a May 8, 2014, City Commission meeting regarding contractual details between the municipality and Flagstone Island Gardens LLC, since investigators could find no evidence that the attorney had intentionally provided false information or knowingly omitted significant facts. The motion was seconded by Commissioner Bernier and unanimously approved (5-0).

-Commissioner Narine made a motion to find No Probable Cause to a complaint (C 15-30) filed against North Miami Beach City Councilman Frantz Pierre, who was accused of exploiting his official position during a conflict among members of his religious congregation, since the allegations were unproven. The motion was seconded by Vice-Chair Cutler and unanimously approved (5-0).

-Commissioner Narine made a motion to find Probable Cause to a complaint (C 16-02) that land use attorney Nancy Stroud improperly lobbied without being registered, but, to dismiss the complaint because the violation was inadvertent, unintentional and insubstantial. The motion was seconded by Vice-Chair Cutler and unanimously approved (5-0).

cause determination on **C 16-03**. The motion was seconded by Commissioner Narine and unanimously approved (**5-0**).

-Commissioner Bernier made a motion to approve the request for an extension of time to make a probable cause determination on **C 16-06**. The motion was seconded by Commissioner Narine and unanimously approved (**5-0**).

-Commissioner Narine made a motion to find as Not Legally Sufficient, a complaint (**C 16-09**) filed against the Miami-Dade County Corrections Department for under-representation of Hispanics, because the allegation is not within the jurisdiction of the Ethics Commission. The motion was seconded by Vice-Chair Cutler and unanimously approved (**5-0**).

X. Old Business

Chairman Schwartz announced he would be unable to attend next month's meeting.

Communications Director Rhonda Victor Sibilía requested Ethics Commissioners remain after the meeting for a group photo.

XI. Adjournment

There being no further business, the meeting adjourned at 11:18 a.m.



Prepared by Rhonda Victor Sibilía, Communications Director