

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of May 11, 2016

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on May 11, 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; and Sylvia Batista, Nilda Olmo and Breno Penichet, Investigators. Also present were Patricia Rodriguez, Gerald K. Schwartz, Kathy Cutler, Andres Arcila, Cynthia Garrote 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 April 13, 2016, meeting. The motion was seconded by Commissioner Bellido and unanimously approved (5-0).

II. Public Comment

None.

III. Requests for Opinions

Staff Attorney Gilma Diaz Greco presented **RQO 16-01** regarding possible limitations on how many paid marketing surveys County employees may complete per year before being required to seek permission for outside employment and file annual financial statements. After much discussion and requests by Commissioners for further research, Ms. Diaz-Greco withdrew the item.

Staff Attorney Martha Perez presented **RQO 16-02**, which recommended that a part-time security guard for Miami-Dade's Internal Services Department may continue working full-time with a County contractor, Security Alliance, LLC, as long as there is no conflict between the two positions. The opinion cautions the employee, Ashiel Callwood, to avoid working at County facilities serviced by his outside employer and reminds him that he is prohibited from using County time or resources or sharing confidential information for Security Alliance, and may not represent the company in any matter before the County. He must also obtain permission for outside employment and file a financial statement every year he works both jobs. Vice-Chair Cutler made the motion to approve the recommended opinion. It was seconded by Commissioner Bellido and unanimously approved (5-0).

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 neither 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 Vice-Chair Cutler and unanimously approved (5-0).

V. Housing requests

Staff Attorney Diaz-Greco presented the requests of eight 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. Commissioner Bellido made a motion to approve the recommendation. It was seconded by

Commissioner Cutler and unanimously approved (5-0).

VI. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued since the last meeting, of which six were briefly discussed.

VII. Miami Beach Lobbyist Appeals

Staff Attorney Perez presented the cases of four individuals who registered as lobbyists in Miami Beach but were delinquent in filing their expenditure statements.

-She recommended waiving the fine for Andres Arcila since he filed the statement upon receiving notice, after the first notice was incorrectly addressed. Commissioner Narine made a motion to approve the recommendation. It was seconded by Vice-Chair Cutler and unanimously approved (5-0).

-Ms. Perez also recommended waiving the fine for Jose Murguido, who immediately sent the disclosure form after receiving notification. Vice-Chair Butler made a motion to approve the recommendation. It was seconded by Commissioner Bellido and unanimously approved (5-0).

-A recommendation for waiver of the fine against Normal Powell was made because the city had an incomplete address and no history of failure to file the form. Vice-Chair Cutler made a motion to approve the recommendation. It was seconded by Commissioner Narine and unanimously approved (5-0).

-Ms. Perez recommended reducing the fine against Gerald Schwartz to 25% or \$300 for filing his form 24 days late because it is the second late penalty. Mr. Schwartz admitted to the oversight and thanked the Ethics Commission for the reduced penalty. Commissioner Narine made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (4-0; Schwartz recused).

VIII. Executive Director's Report

-Executive Director Joseph Centorino discussed the payment of a \$4,000 fine by Hialeah Mayor Carlos Hernandez and the statement regarding it issued by this agency. Commissioner Bellido commended the director for the response. Mr. Centorino added that a meeting with ethics liaisons from the municipalities was set for May 18th and that two representatives were coming from Hialeah.

-Mr. Centorino distributed information about the speaker, Professor Keith Rizzardi, who will speak on public records issues at the next municipal attorneys luncheon, scheduled for June 2 at Soyka Restaurant and invited all commissioners to attend.

-He displayed the newly printed Honor Code poster and noted that nearly 1,000 have been distributed to County departments and agencies and it will be shared with municipal representatives interested in displaying it in their jurisdictions.

-Mr. Centorino stated that plans to move the office to the Overtown Transit Village have been suspended by the County administration due to its plans to relocate a different County function in the space promised to the COE. Other possible options for office space include waiting 5 years for the OTV space to become available; considering the third floor of the Main Library; or using one or two floors on the top level of the Dade County Courthouse. Chairman Schwartz vehemently opposed the latter idea, indicating that the Courthouse has raised health concerns on the part of court personnel.

-Mr. Centorino announced that County Commissioner Rebeca Sosa has agreed to sponsor the proposed amendment to the Conflict of Interest and Code of Ethics Ordinance that would prohibit County and municipal employees who perform contract-related from seeking jobs with those outside vendors while employed by the local government.

IX. Complaints

Advocate Michael Murawski presented a proposed settlement to a complaint **(C 16-13)** against Miami-Dade Firefighter Angel Luna who has admitted to working since 2010 as a Fleet Service Clerk with Envoy Air, Inc., without seeking permission for outside employment each year or filing an annual financial disclosure form. Luna agreed to pay the Ethics Commission a \$500 fine and accept a Letter of Instruction, as well as file the required paperwork. Vice-Chair Cutler made a motion to approve the settlement. It was seconded by Commissioner Narine and unanimously approved **(5-0)**.

The Ethics Commission convened in closed session at 11:15 a.m. Commissioners returned to open session at 11:18 a.m., and took the following actions:

-Vice-Chair Cutler made a motion to dismiss as Not Legally Sufficient a complaint **(C 16-11)** filed against Miami-Dade Transit workers for not answering a series of questions about a public record, since there is no requirement under Florida's Public Records Law that an official or employee create documents not in existence or furnish answers to specific questions from a citizen. The motion was seconded by Commissioner Narine and unanimously approved **(5-0)**.

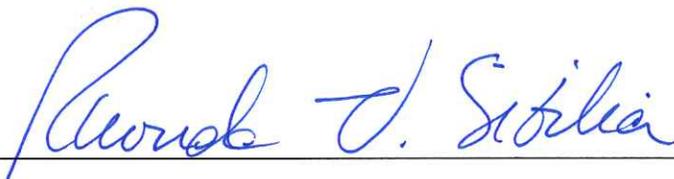
-Vice-Chair Cutler made a motion to find a complaint **(C 16-14)** alleging illegal lobbying filed against the CEO of Uber as Not Legally Sufficient because it exceeded the three-year statute of limitations. Christopher Davis accused Uber executive Travis Kalanick of lobbying Miami-Dade officials in 2012 without registering to do so. The motion was seconded by Commissioner Bernier and unanimously approved **(5-0)**.

X. Other Business

None.

XI. Adjournment

There being no further business, the meeting adjourned at 11:19 a.m.



Prepared by Rhonda Victor Sibilis, Communications Director