

# MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

## Meeting of October 19, 2016

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on October 19, 2016. Present were Commission Chair Lawrence Schwartz and Commissioners Judith Bernier, Nelson Bellido 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; Rachele Cedeno Ross, Executive Secretary; Nilda Olmo and Breno Penichet, Investigators and Gracy Crumpton, Legal Intern. Also present were Assistant Miami City Attorneys Xavier Alban and other members of the public. The meeting was called to order at 10:02 a.m. by Chairman Schwartz. A quorum was present.

### **I. Approval of Minutes**

Commissioner Narine Weldon made a motion to approve the minutes of the September 14, 2016, meeting. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

### **II. Public Comment**

Assistant Miami City Attorney Xavier Alban expressed regrets on behalf of Miami City Commissioner Ken Russell who could not attend, but was appreciative of the Ethics Commission's understanding of his case (C 16-17).

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

Staff Attorney Gilma Diaz-Greco had two requests for individuals 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 (4-0).

### **IV. 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. (One request came from an employee of Miami-Dade Public Schools, for which the COE has no jurisdiction.) Commissioner Narine Weldon made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (4-0).

### **V. Monthly Summary of Inquiries**

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff between September 2 and October 7, 2016, of which two were briefly discussed.

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

--Staff Attorney Martha Perez presented the cases of four individuals who registered as lobbyists in Miami

Beach but were delinquent in filing their expenditure statements. Alison Burgos told Commissioners she finds the requirements of Miami Beach onerous, although she has missed the filing deadline in the past. Ms. Perez recommended a reduction to five percent of the fine. Commissioner Bellido made a motion to reduce the fine to \$250. It was seconded by Commissioner Narine Weldon and unanimously approved (4-0).

--Ms. Perez recommended that a two penalties assessed against Ian Grocher be reduced to three percent, or \$652.50. Commissioner Narine Weldon made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (4-0).

--Because architects Dean Lewis and Shawn Watts were both first-time registered lobbyists who were unclear on the requirements, Ms. Perez recommended their fines be waived. Commissioner Narine Weldon made a motion to accept the staff recommendation. It was seconded by Commissioner Bernier and unanimously approved (4-0).

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

--Executive Director Joseph Centorino reported that the recommendation made by the COE last month regarding County Commissioner Zapata's ordinance limiting reimbursement for elected officials' educational expenses was incorporated into the proposal, which was presented to the BCC on first reading the day before.

--Mr. Centorino shared the nomination of Miami Lakes Middle School Social Sciences Department Instructor Lisa Deyarza as this year's Ethical Governance Day Teacher of the Year and discussed her qualifications. Commissioner Bellido made a motion to ratify the award. It was seconded by Commissioner Narine Weldon and unanimously approved (4-0). Mr. Centorino announced that the award would be presented the following Tuesday, October 25, at 10 a.m. in the school and invited Commissioners to be part of the presentation.

--He presented a copy of the Miami Herald's editorial support for the County and Miami Beach ballot measures initiated by the Ethics Commission.

## **VIII. Complaints**

--Advocate Michael Murawski presented a Letter of Instruction for Miami City Commissioner Ken Russell regarding the complaint (C 16-17) adjudicated at last month's meeting. The Letter reiterated Public Records requirements and urged the Commissioner to make sure his staff is well trained on them. Commissioner Narine Weldon made a motion to approve the Letter. It was seconded by Commissioner Bernier and unanimously approved (3-0 - Schwartz recused).

--Mr. Murawski presented a proposed settlement to the complaint (C 16-19) with Miami-Dade Fire Capt. Nelson Paganacci, who was charged with exploiting his official position by ordering the removal of a department truck and parking and electrically charging his personal recreational vehicle in the station he commands for several months. Capt. Paganacci did not contest the violation and agreed to pay a \$500 dollar fine and accept a Letter of Instruction. Commissioner Bernier made a motion to ratify the settlement. It was seconded by Commissioner Bellido and unanimously approved (3-0 - Narine Weldon recused).

### **The Ethics Commission convened in closed session at 10:35 a.m. Commissioners returned to open session at 10:42 a.m. and took the following actions:**

--Commissioner Bellido made a motion to grant the Advocate's second motion for extension of time to make a probable cause determination for C 16-24. It was seconded by Commissioner Narine Weldon and unanimously approved (4-0).

--Commissioner Bellido made a motion to grant the Advocate's motion for extension of time to make a probable

cause determination for **C 16-29**. It was seconded by Commissioner Narine Weldon and unanimously approved **(4-0)**.

--Commissioner Narine Weldon made a motion to ratify the proposed settlement to a complaint (**C 16-33**) against Leonardo Figueroa of Miami-Dade's Public Housing and Community Development Department, who has been providing private services for his own consulting company since 2009 without filing Outside Employment statements. He pleaded no contest, agreed to pay a \$500 fine to the Ethics Commission and will submit the required forms for 2013 and 2014 within ten days. The motion was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

--Commissioner Narine Weldon made a motion to approve a continuation of **C 16-34** as requested by complainant's attorney. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

--Advocate Murawski announced he was seeking subpoenas in the following cases: PI 16-22 (4); C 16-31 (4); K 16-21 (1); C 16-29 (1); K 15-47 (1); K 16-09 (1).

#### **IX. Executive Director' Performance Review**

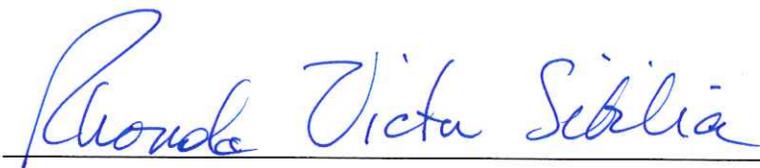
Joseph Centorino presented accomplishments of the agency over the past year. Commissioner Bellido made a motion to grant the director a 4.3 percent merit increase, retroactive to his anniversary date of September first. It was seconded by Commissioner Narine Weldon and unanimously approved **(4-0)**.

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

None.

#### **XI. Adjournment**

There being no further business, the meeting adjourned at 10:50 a.m.



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Prepared by Rhonda Victor Sibilia, Communications Director