

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of September 14, 2016

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on September 14, 2016. Present were Commission Vice Chair H. Jeffrey Cutler and Commissioners Judith Bernier and Marcia Narine Weldon. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco and Radia Turay, Staff Attorneys; Rhonda Victor Sibilia, Communications Director; Rachelle Cedeno Ross, Executive Secretary; Robert Thompson, Outreach Coordinator; Nilda Olmo and Breno Penichet, Investigators and Gracy Crumpton, Legal Intern. Also present were Miami City Commissioner Ken Russell and attorneys George Wysong, Jonathan Segal and other members of the public. The meeting was called to order at 10:00 a.m. by Vice Chairman Cutler. A quorum was present.

I. Approval of Minutes

Commissioner Bernier made a motion to approve the minutes of the August 10, 2016, meeting. The motion was seconded by Commissioner Narine Weldon and unanimously approved (3-0).

II. Public Comment

None.

III. Section Eight Requests

Staff Attorney Gilma Diaz-Greco had five 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 Bernier made a motion to support the recommendation. It was seconded by Commissioner Narine Weldon and unanimously approved (3-0).

IV. Housing requests

Staff Attorney Diaz-Greco presented the requests of seven 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. (Two requests came from employees of Miami-Dade Public Schools, for which the COE has no jurisdiction.) Commissioner Bernier made a motion to approve the recommendation. It was seconded by Commissioner Narine Weldon and unanimously approved (3-0).

V. Monthly Summary of Inquiries

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

VI. Miami Beach Lobbyist Appeals

Staff Attorney Martha Perez presented the cases of three individuals who registered as lobbyists in Miami Beach but were delinquent in filing their expenditure statements. Two them, Kobi Karp and Jennifer McConney, work for the same architect and design firm and were represented by Jonathan Segal, who explained that the failure to file reports was an administrative oversight. Ms. Perez recommended reducing the fines to 3% of the city charge, or \$1,008 for Karp and \$720 for McConney. Commissioner Narine Weldon made a motion to accept the staff recommendation. It was seconded by Commissioner Bernier and unanimously

approved (3-0).

Leyla Rojas Osorio was a first time registered lobbyist in Miami Beach who admitted not responding when informed her form was late. Ms. Perez recommended she pay one percent of the fine or \$144.50.

Commissioner Narine Weldon made a motion to accept the staff recommendation. It was seconded by Commissioner Bernier and unanimously approved (3-0).

VII. Executive Director's Report

--Executive Director Joseph Centorino explained that the proposed 2016-17 budget would see a minimal increase from the current one to cover cost-of-living and merit raises, as well as increased cost of health care for employees.

--Community Outreach Coordinator Robert Thompson reported on outreach activities of the past year.

--Mr. Centorino presented a proposed ordinance that would prohibit Miami-Dade County Commissioners from using their district office funds to pay for long-term educational programs leading to an academic degree. The proposal, sponsored by BCC Commissioner Juan Zapata, stemmed from an investigation conducted by the COE in 2015 at Zapata's request after he used office funds to pay more than \$30,000 for a Master's Program at Harvard University, which Zapata eventually reimbursed to the County. The proposal enables the elected officials to attend and pay for conferences, seminars and other courses on specific topics related to their service from their office funds, with any expense above \$5,000 requiring approval by the entire Board of County Commissioners. It also allows Commissioners who enroll in coursework applicable to advanced academic degrees to apply for the same tuition reimbursement program offered to County employees, which refunds half the cost of the coursework. Mr. Centorino suggested changes should be made to the ordinance to prevent the elected officials from paying the other half from County funds. Commissioner Narine Weldon made a motion to endorse the proposed ordinance with the caveat that it be amended to reflect staff's concern. It was seconded by Commissioner Bernier and unanimously approved (3-0).

--Staff Attorney Radia Turay updated Commissioners on the lawsuit against the COE by Palmetto Bay Vice Mayor John Dubois, stating that a motion to dismiss was filed by COE staff the previous day.

--Mr. Centorino reported that the staff had 20 days to respond to the lawsuit, *Robin Jones-Jackson v. COE*, regarding the reconsideration of a finding of No Probable Cause earlier this year for C 15-27.

--Mr. Centorino said that more than more than 180 volunteers have registered to be classroom speakers on Thursday, October 20th as part of the Fifth Annual Ethical Governance Day.

--He also stated that approximately 40 people attended the most recent municipal luncheon on Thursday, September 8, 2016, at the 94th Aero Squadron Restaurant that included Miami-Dade Elections Supervisor Christina White and Assistant County Attorney Oren Rosenthal.

VIII. Complaints

The Ethics Commission convened in closed session at 10:58 a.m. Commissioners returned to open session at 11:30 a.m. and took the following actions:

- Commissioner Narine Weldon made a motion to grant the Advocate's Motion to Stay proceedings for C 16-15 pending the outcome of a similar case under consideration by the Third District Court of Appeal. It was seconded by Commissioner Bernier and unanimously approved (3-0).

- Commissioner Narine Weldon made a motion to find Probable Cause to a complaint (C 16-17) that Miami City Commissioner Ken Russell violated the public records provision of the Citizens' Bill of Rights for failing to provide a list of gifts as requested, but also recommend dismissal with a Letter of Instruction. It was seconded by Commissioner Bernier and unanimously approved (3-0).

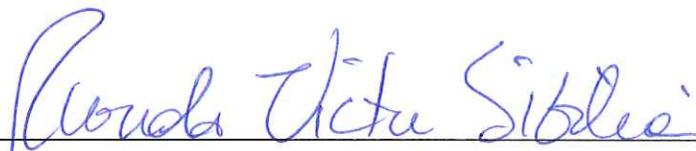
- **C 16-19** was deferred for lack of quorum when Commissioner Narine Weldon announced that she would recuse herself from voting on the item.
- Commissioner Narine Weldon made a motion to approve the Special Advocate's second motion for extension of time to make a determination of Legal Sufficiency or Probable Cause for **C 16-21**. It was seconded by Commissioner Bernier and unanimously approved (**3-0**).
- Commissioner Narine Weldon made a motion to dismiss **C 16-28** as Not Legally Sufficient because it failed to meet requirements of the Employee Protection Ordinance regarding whistleblower retaliation. It was seconded by Commissioner Bernier and unanimously approved (**3-0**).
- Commissioner Narine Weldon made a motion to dismiss as Not Legally Sufficient **C 16-30 A & B** because the allegations concern state election laws and issues that are not part of Miami-Dade's Ethical Campaign Practices Ordinance. It was seconded by Commissioner Bernier and unanimously approved (**3-0**).
- Advocate Michael Murawski sought 1 subpoena for K 15-47, 1 for K 16-13 and 2 subpoenas for PI 16-03. Commissioner Narine Weldon made a motion to approve the request. It was seconded by Commissioner Bernier and unanimously approved (**3-0**).

Other Business

None.

IX. Adjournment

There being no further business, the meeting adjourned at 11:32 a.m.



Prepared by Rhonda Victor Sibia, Communications Director