



For Immediate Release: August 10, 2016
Contact: Joseph Centorino, Executive Director
(305) 350-0613 or centori@miamidade.gov

County supervisor chastised after saying “I do” to ethics complaint

The Miami-Dade Commission on Ethics and Public Trust (COE) today approved a Letter of Reprimand for a division chief in the County’s Department of Regulatory and Economic Resources who pled no contest to a charge she exploited her official position by asking her employees to help with projects associated with her son’s wedding, both during and after their normal work hours. Last month, Mallika Muthiah, Chief of Air Quality Management, agreed to settle the complaint (**C 16-08**). The Reprimand states, among other things, that imposing personal tasks on government employees “wastes public resources, diminishes the public’s faith in government and violates the public trust.”

A Letter of Instruction was approved for Miami’s Police Chief, who last month admitted he unintentionally violated the Conflict of Interest and Code of Ethics Ordinance by failing to report free tickets he was given to a Marc Anthony concert last fall as gifts. Chief Rodolfo Llanes has since reported the gift as part of the settlement to the complaint (**C 16-20**). The Letter reinforces the definition of a “gift” as including entertainment and that, even if he considered the singer a friend, the concert tickets would still have to be reported if their value exceeds \$100.

Miami-Dade County employees who earn extra income by completing on-line marketing surveys could be required to abide by outside employment rules if they do it on a regular basis. The Ethics Commission determined that today in response to a Request for Opinion (**RQO 16-01**) from the Elections Department that was seeking clarity on where to draw the line to consider such activity as outside employment. County regulations require workers who engage in private business to request permission for outside employment from their supervisors each year and report their earnings. However, occasional profit-making activities, such as garage sales or infrequent activity on internet trade sites, is not considered outside employment. In the opinion approved today, the COE stated that if employees complete ten or fewer marketing surveys per year or earn no more than \$1,000 in compensation, they do not have to seek approval and file the required paper work. The opinion emphasizes that, under no circumstances, can employees use County time or resources to complete the online surveys.

The COE agreed today to hold the Fifth Annual Ethical Governance Day on Thursday, October 20, 2016. That’s when hundreds of community, civic and political leaders will address 12th grade students in Miami-Dade County Public Schools

on the importance of civic involvement and engagement. The Miami-Dade School Board is considering a resolution in support of the event at its meeting this afternoon and recruitment of volunteer speakers will begin soon.

Ethics Commissioners went on record supporting a resolution going before voters in Miami Beach in the November 8th general election that would amend the city's lobbying ordinance. Currently, those who register as lobbyists in Miami Beach are required to submit expenditure reports each year, even if they have no expenses associated with their lobbying activities. Those who neglect to do so are fined for each day they are late and are reported to the Ethics Commission, which spends a great amount of staff time investigating the cases. Most "violators" are not regular lobbyists, but architects or other individuals who are retained to work on a limited basis and are not familiar with the rules. They appeal the fines to the Ethics Commission during monthly meetings and are usually granted substantial reductions or waivers of the fines because of the disproportionality of the penalty to the offense. If the resolution is approved by voters, as supported by the Ethics Commission, the COE would continue to enforce the rules for lobbyists who actually do incur expenses and fail to report them. Miami-Dade County eliminated a similar onerous requirement several years ago at the request of the Ethics Commission.

The Ethics Commission approved minor amendments to the agency's Rules of Procedure, requiring that an individual named as the respondent of an investigation be notified when the complaint is found to be legally insufficient and dismissed. The revised rules would also require that respondents to complaints be informed about the confidentiality of the investigation. Another change requires that when the COE orders a public hearing on a complaint, the respondent and complainant be provided with the Probable Cause memorandum at least ten days before the hearing.

Two employees of the City of Opa-locka filed a complaint (**C 16-12**) against City Attorney Vincent Brown, accusing him of deliberately spreading the word that they were being subpoenaed to testify before a Federal Grand Jury, subjecting them to threats, harassment and potential job-related retaliation. The investigation determined that Brown did send an email blast to all city employees this past March informing them about the subpoenas when he was asked by an FBI agent to send it only to the 20 individuals listed. However, it appears that the email blast did not violate any confidentiality requirements and, therefore, there was insufficient evidence to prove any violation of the Conflict of Interest and Code of Ethics Ordinance. The COE dismissed the complaint with a finding of No Probable Cause.

The former budget director for Opa-locka claims he suffered retaliation when he reported mismanagement, malfeasance and gross neglect by city employees and was later fired from his position. Keith Carswell was hired in December 2015 and soon uncovered serious problems associated with water and sewer utility billing, inventory and meter-reading, among other areas. After months of reporting his concerns with various officials, Carswell was fired by Interim City Manager Yvette Bessent-Harrell in June. The Ethics Commission does not have jurisdiction over whistleblower allegations in the municipalities, so the complaint (**C 16-25**) was dismissed as Not Legally Sufficient. Carswell has also filed suit in Circuit Court.

No Probable Cause was found to a complaint (**C 16-16**) filed against attorney Kent Harrison Robbins for improper lobbying. Robbins registered as a lobbyist in the City of Miami before appearing before the Historic and Environmental Board (HEB) On May 5th on behalf of the Spring Garden Residents Association, but had not taken the required lobbyist ethics training. Robbins acknowledged as much when he appeared before the HEB, stating that he would take the course that was to be held May 13th and asked to be allowed to speak, which was granted. Since Miami's lobbying code allows board members to permit a person to lobby before taking the ethics course, the complaint was dismissed.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

###