

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of April 12, 2017

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on April 12, 2017. Present were Commission Chair Judge Lawrence Schwartz, Vice Chair H. Jeffrey Cutler and Commissioners Nelson Bellido, Judith Bernier 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; Robert Thompson, Community Outreach Coordinator; Rachelle Ross, Executive Secretary; Larry Lebowitz, Nilda Olmo and Sylvia Batista, Investigators; Legal Interns Brenda Emerson and Gracy Crumpton; Assistant Miami City Attorney Xavier Alban; Pedro Hernandez and Amelia Cordova of the Miami-Dade Aviation Department; and other members of the public. The meeting was called to order at 10:00 a.m. by Chairman Schwartz, who opened by congratulating staff for the recent successful conference. A quorum was present.

I. Approval of Minutes

Commissioner Bellido made a motion to approve the minutes of the March 8, 2017, meeting. The motion was seconded by Commissioner Narine Weldon and unanimously approved (5-0).

II. Public Comment

Esperanza Reynolds, with Alexander Ariano, read a statement summarizing their displeasure with the administration of the Town of Miami Lakes for which they have filed an ethics complaint.

III. RQO 17-02

Staff Attorney Martha Perez presented a Request for Opinion (**RQO 17-02**) from Miriam Singer, the head of Miami-Dade County's Procurement Division, concerning a highly coveted contract to oversee Miami International Airport's Terminal Optimization Program (TOP) – a \$1.4 billion, ten-year upgrade of MIA's E and F terminals, along with other buildings, runways and support facilities, and includes 43 different capital improvement projects. The three top-ranked firms – Heery International, Inc., AECOM Technical Services, and Burns & McDonnell Engineering Company, Inc. – all have an organizational conflict of interest of some type. The RQO recommended by Ms. Perez establishes a procedure requiring bidders to disclose in writing any existing or potential conflicts to the contract managers. Bidders must then agree with procurement officials on the measures to be taken to implement firewalls or other protections to mitigate any potential conflict to the satisfaction of the County, the Ethics Commission and the Office of the Inspector General. Alfredo Gonzalez of AECOM and Miguel De Grandy, representing Heery, both spoke in favor of the proposal. After hearing assurances that any appeal of a COE staff decision could be appealed to the Ethics Commission, Vice Chair Cutler made a motion to approve the recommendation with that stipulation. It was seconded by Commissioner Narine Weldon and unanimously approved (5-0).

IV. Section Eight Requests

Staff Attorney Gilma Diaz-Greco had one request for a County employee to contract under the federally-funded Section 8 program, and, since he was not associated with the Miami-Dade Public Housing and Community Development Department, recommended approval. Vice Chair Cutler made a motion to support the recommendation. It was seconded by Commissioner Bellido and unanimously approved (5-0).

V. 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. Ms. Diaz-Greco also noted a request from an individual over which the COE has no jurisdiction. Vice Chair Cutler made a motion to approve the recommendation. It was seconded by Commissioner Bellido and unanimously approved (5-0).

VI. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from February 25 through March 24th, of which three were briefly discussed.

VII. Miami Beach Lobbyist Appeals

Staff Attorney Martha Perez presented appeals from two individuals who registered as lobbyists in the City of Miami Beach, but failed to file required expenditure and compensation statements by the deadline. Both men were present. Since the fine was the first for Architect Omar Moreno, Ms. Perez recommended the fine be waived. Commissioner Narine Weldon 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 Architect Jose Vidal, as it was also his first. Commissioner Bellido made a motion to approve the recommendation. It was seconded by Vice Chair Cutler and unanimously approved (5-0).

VIII. Executive Director's Report

--Executive Director Joseph Centorino shared the positive reaction to the COE-sponsored conference, "Doing Business with Cuba: Legal, Ethical & Compliance Challenges," that was held on March 10th at Barry University and presented congratulatory emails.

--Mr. Centorino discussed the "sunshine meeting" of three County Commissioners regarding the Airport Protocol Report, approved during the March COE meeting, which received media coverage supportive of the Ethics Commission.

--Mr. Centorino reported on legislation approved by the Florida House (HB 7021) that would require lobbyists to register with the state, rather than with local governments. Since the COE receives 15 percent of lobbyist registration fees from Miami-Dade County, he said the COE could lose about \$50,000 annually. However, passage of the measure is unlikely, because, at this time, no companion bill has been filed in the Senate. He also said a compromise has been reached on SB 80 regarding attorney fees in lawsuits where it is determined that public records have been improperly withheld by local governments, and said the legislation is expected to pass both chambers.

--Ethics Commissioners were shown a video of the Miami Beach City Commission meeting of February 8, 2017, during which the Civility Oath was adopted and recited by the elected officials and top administrators.

IX. Complaints

Ethics Commissioners discussed C 17-09, a Coral Gables campaign violation complaint for which No Probable Cause was found during an expedited hearing on Monday, April 10, 2017. Since there was no appeal of Hearing Examiner Victor Tobin's determination, no action was taken.

The Ethics Commission convened in closed session at 11:19 a.m. Commissioners returned to open session at

11:22 a.m. and took the following action:

--Vice Chair Cutler made a motion to support the Advocate's request for an Extension of Time to Make a Probable Cause Determination for **C 17-02**. Commissioner Narine Weldon seconded the motion and it was unanimously approved **(5-0)**.

--Vice Chair Cutler made a motion to support the Advocate's request for an Extension of Time to Make a Probable Cause Determination for **C 17-03**. Commissioner Narine Weldon seconded the motion and it was unanimously approved **(5-0)**.

--Vice Chair Cutler made a motion to accept the settlement agreement with Javier Vazquez, who agreed not to contest one count of a complaint (**C17-08 B**) of violating the City of Miami's lobbyist registration requirement and to pay a \$500 fine. Commissioner Narine Weldon seconded the motion and it was unanimously approved **(5-0)**.

--Vice Chair Cutler made a motion to approve the defense's request for a continuance of **C 17-08 A** to the next meeting. It was seconded by Commissioner Narine Weldon and unanimously approved **(5-0)**.

X. Old Business

None

Adjournment

There being no further business, the meeting adjourned at 11:23 a.m.



Prepared by Rhonda Victor Sibilis, Communications Director

