

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of August 9, 2017

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on August 9, 2017. Present were Commission Chair Lawrence Schwartz; Vice Chair H. Jeffrey Cutler and Commissioners Nelson Bellido and Carol Zeiner. 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 Ross, Executive Secretary; Nilda Olmo, Sylvia Batista and Susannah Nesmith, Investigators; Rachelle Calixte, Intern; Lester Sola, Director of the Miami-Dade Water and Sewer Department; and members of the public. The meeting was called to order at 10:00 a.m. by Chairman Schwartz. A quorum was present.

I. Introduction of New Commissioner

St. Thomas University Law Professor Carol Zeiner was formally introduced and welcomed as the newest member of the Commission.

II. Approval of Minutes

Commissioner Bellido made a motion to approve the minutes of the July 12, 2017, meeting. The motion was seconded by Commissioner Zeiner and unanimously approved (3-0, Cutler not yet arrived).

III. Public Comment

None.

IV. Request for Opinion

Staff Attorney Martha Perez presented **RQO 17-04**, which would clarify the definition of "contract-related duties." It stemmed from an investigation of an assistant director of the Miami-Dade Water and Sewer Department (WASD) who was hired this past January after nearly 13 years of employment with AECOM, one of the private companies contracted as part of the Consent Decree between the federal government and the County to upgrade the wastewater system. WASD Director Lester Sola stated to the commission that he relied on a 2005 COE opinion he received while director of the Elections Department. Based on that opinion, he said he concluded that, since the Assistant Director is not involved in negotiations with her former employer, she was not involved in contract-related duties. However, Ms. Perez noted that the employee in question is ultimately responsible for overseeing AECOM's work and has been participating in bi-monthly meetings with the engineering firm. In order to avoid a violation of the so-called "reverse two-year rule," in Section 2-11.1(x) of the Ethics Code, the staff recommendation advises she be removed from any duties related to administration, authorization, meetings or any other decision-making authority involving her former employer until at least two years passes since the departure from her former firm. Vice Chair Cutler made a motion to approve the recommendation. It was seconded by Commissioner Zeiner and unanimously approved (4-0).

V. Section Eight Requests

Staff Attorney Diaz-Greco had two requests from County employees to contract under the federally-funded Section 8 program, and, since they are not associated with the Miami-Dade Public Housing and Community Development Department, recommended approval. Commissioner Bellido made a motion to support the recommendation. It was seconded by Vice Chair Cutler and unanimously approved (4-0).

VI. 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 Vice Chair Cutler and unanimously approved (4-0).

VII. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from June 30th through July 28th, of which two were briefly discussed.

VIII. Miami Beach Lobbyist Appeals

Staff Attorney Martha Perez presented appeals from fourteen individuals who registered as lobbyists in the City of Miami Beach, but failed to file required expenditure and compensation statements by the deadline. The following actions occurred:

- Commissioner Bellido made a motion to reduce the fine of \$42,500 levied on Rafael Andrade, who was present, to one percent, or \$425. It was seconded by Commissioner Zeiner and unanimously approved (4-0).
- Commissioner Bellido made a motion to waive the \$1,800 fine levied on Nicholas Barshel, who was present. The motion was seconded by Vice Chair Cutler and unanimously approved (4-0).
- Commissioner Bellido made a motion to waive the \$1,400 fine for Christina Cuervo, who was present. It was seconded by Vice Chair Cutler and unanimously approved (4-0).
- Commissioner Bellido made a motion to waive the \$1,800 fine for Rodrigo Carrion, who was present. It was seconded by Vice Chair Cutler and unanimously approved (4-0).
- Commissioner Bellido made a motion to waive the \$8,500 fine for Javier Fernandez, who was present. It was seconded by Vice Chair Cutler and unanimously approved (4-0).
- Vice Chair Cutler made a motion to waive the \$2,900 fine for Jorge Hernandez, who was represented at the meeting. It was seconded by Commissioner Zeiner and unanimously approved (4-0).
- Commissioner Bellido made a motion to waive the \$4,300 fine for Tony Leon, who was present. It was seconded by Vice Chair Cutler and unanimously approved (4-0).
- Commissioner Bellido made a motion to reduce the \$1,500 fine to five percent or \$75 for Ramon Pacheco, who was present. It was seconded by Vice Chair Cutler and unanimously approved (4-0).
- Vice Chair Cutler made a motion to waive the \$1,600 fine for Francisco Paredes. It was seconded by Commissioner Zeiner and unanimously approved (4-0).
- Commissioner Bellido made a motion to waive the \$1,850 fine for Marcos Perez, who was present. It was seconded by Vice Chair Cutler and unanimously approved (4-0).
- Commissioner Bellido made a motion to grant a continuance for Leyla Rojas Osorio. It was seconded by Vice Chair Cutler and unanimously approved (4-0).
- Commissioner Bellido made a motion to waive the \$1,700 fine for Antonio Rodriguez, who was present. It was seconded by Vice Chair Cutler and unanimously approved (4-0).
- Commissioner Bellido made a motion to waive the \$3,400 fine for Robert Switkes, who was present. It was seconded by Vice Chair Cutler and unanimously approved (4-0).
- Commissioner Bellido made a motion to waive the \$1,450 fine for Harold "Hunter" Thompson, who was present. It was seconded by Vice Chair Cutler and unanimously approved (4-0).

IX. Executive Director's Report

--Executive Director Joseph Centorino introduced Susannah Nesmith, who joined the investigative staff on August 1, saying "we were lucky to get her." While most recently serving as a freelance reporter for publications including the *New York Times*, *BusinessWeek* and *Columbia Journalism Review*, and as Associate Editor for *As You Were*; *The Military Experience*, Nesmith has been a reporter and editor for the *Miami Herald* and a Foreign Correspondent for the Associated Press. She has covered local crime and courts in South Florida to international uprisings and natural catastrophes in Haiti, Iraq, Colombia, Venezuela and Bosnia-Herzegovina. The bilingual writer earned fellowships to study the coverage of aging, multimedia journalism education and civil law, and earned honors from the Society of Professional Journalists, the National Association of Black Journalists and the Florida Press Club. Nesmith has a Bachelor's Degree in History and Latin American Studies from Vassar College and a Master of Fine Arts in Creative Nonfiction from Goucher College.

--Mr. Centorino announced that the Fifth Annual Ethical Governance Day will be Thursday, October 19, 2017 and presented a resolution to the Commission for approval. Vice Chair Cutler made a motion to support the resolution. It was seconded by Commissioner Bellido and unanimously approved (4-0).

--He introduced Outreach Coordinator Robert Thompson, who presented a summary of the past year of community events, trainings, conference and other outreach activities.

--Mr. Centorino presented proposed updates to the COE Personnel Policy Manual for review and requested approval. Vice Chair Cutler made a motion to approve the changes. It was seconded by Commissioner Zeiner and approved 3-1 (Bellido dissenting).

--He announced that the next municipal luncheon, "Forensic Fundamentals: a visit to the Miami-Dade Medical Examiner's Office," would be Friday, September 15, 2017, and invited Ethics Commissioners to take part.

--After discussion led by Mr. Centorino, Ethics Commissioners agreed to change the day of the regular meetings to the second Thursday of the month, beginning September 14, 2017.

X. Complaints

Advocate Murawski requested the postponement until November the Commission's consideration of a Letter of Instruction to the City Attorney for the City of Miami. The letter was directed to be sent by the COE when it found No Probable Cause to a complaint (C17-08 A) charging Gus De Ribaux of violating the City of Miami's lobbyist registration requirement, due to a lack of clarity in the City's lobbyist ordinance. Mr. Murawski said that the City is considering an amendment to its lobbying ordinance, which, if passed by the City Commission, would render the Letter of Instruction unnecessary. Vice Chair Cutler made a motion approve the postponement. It was seconded by Commissioner Zeiner and unanimously approved (3-0, Bellido recused).

The Ethics Commission convened in closed session at 11:32 a.m. Commissioners returned to open session at 11:46 a.m. and took the following action:

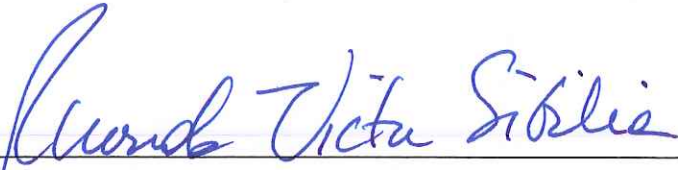
-- Vice Chair Cutler made a motion to approve the respondent's request for a continuance for C 17-08. It was seconded by Commissioner Zeiner and unanimously approved (3-0, Bellido recused).

-- Commissioner Bellido made a motion to accept the Stipulation to Probable Cause to a complaint (C 17-15) of violating County and Hialeah lobbying rules by Lourdes Sori. Commissioner Zeiner seconded the motion and it was unanimously approved (4-0.) Commissioner Bellido made a motion to accept the settlement agreement, in which Sori agreed to plead No Contest and paid a \$500 fine. Commissioner Zeiner seconded the motion and it was unanimously approved (4-0).

-- Commissioner Zeiner made a motion to find No Legally Sufficiency and dismiss a complaint (C 17-16) filed against Sweetwater City Commissioner Marcos Villanueva by a former political adversary, who accused him of making false and slanderous statements during city commission meetings. The investigation found the statements to be truthful. Commissioner Bellido seconded the motion and it was unanimously approved (4-0).

XI. Adjournment

There being no further business, the meeting adjourned at 11:18 a.m.



Prepared by Rhonda Victor Sibilia, Communications Director