

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of January 11, 2017

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on January 11, 2017. Present were Commission Chair Judge Lawrence Schwartz; Vice Chair 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; Rachelle Cedeno, Executive Secretary; Larry Lebowitz, Karl Ross, Sylvia Batista, Nilda Olmo and Breno Penichet, Investigators; Legal Intern Brenda Emerson; Inspector General Mary Cagle; Assistant Miami City Attorney Xavier Alban, Benedict Kuehne, Esq. and other members of the public. The meeting was called to order at 10:00 a.m. by Chairman Schwartz. A quorum was present.

I. Approval of Minutes

Vice Chair Cutler made a motion to approve the minutes of the December 16, 2016, meeting. The motion was seconded by Commissioner Narine Weldon and unanimously approved (5-0).

II. Public Comment

None.

III. Financial Disclosure

Staff Attorney Gilma Diaz-Greco presented a yearly report on financial disclosure requirements for officials under state and county requirements and said she would provide the appropriate forms for Ethics Commissioners to complete at the next meeting.

IV. Section Eight Requests

Staff Attorney Diaz-Greco had two requests for County employees to contract under the federally-funded Section 8 program, and, since neither were associated with the Miami-Dade Public Housing and Community Development Department, recommended approval. An additional request came from a school board employee, who is not under COE jurisdiction. Commissioner Bellido made a motion to support the recommendation. It was seconded by Commissioner Cutler and unanimously approved (5-0).

V. Housing requests

Staff Attorney Diaz-Greco presented the requests of two 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. 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 December 2 through the end of 2016, of which three were briefly discussed.

VII. Executive Director's Report

--Executive Director Joseph Centorino presented a proposed resolution requesting that County and municipal governments add language requiring a civility pledge to oaths of office for elected and appointed officials,

noting that attorneys in Florida are required to swear to such, but elected officials are not. Commissioner Bellido made a motion to approve the resolution. It was seconded by Vice-Chair Cutler and unanimously approved (5-0).

--Mr. Centorino also provided, as an informational matter, a resolution filed by Miami-Dade County Commission Chairman Esteban Bovo calling for the County to ensure that its current lobbying team does not include the firm Gomez Barker Associates or lobbyist Fausto Gomez, and that would prevent them from contracting with the County for three years. The resolution stemmed from an investigation conducted by COE staff into a conflict of interest involving Gomez, while he was working as a County lobbyist during the 2016 legislative session. The measure was scheduled to go before the Board of County Commissioners on January 24th.

-- He reiterated his invitation to Commissioners to attend the municipal attorney luncheon on Thursday, February 2, 2017, at the Knife Steakhouse at Bayside, featuring a panel discussion on Municipal Policing.

--Mr. Centorino announced that the program is just about complete for the conference on "The Ethics of Doing Business with Cuba" that will be held on March 10th at Barry University with assistance and participation from Commissioners Narine Weldon and Bellido.

-- He discussed his opinion piece that was published in The Miami Herald on this day regarding Ethics Commission efforts to change the culture of corruption in Opa-locka and stated that the legal staff would conduct its first ethics training for Opa-locka employees the following day.

-- Mr. Centorino said that the Surfside Town Commission passed the "Honor Code for Elected and Appointed Town Officials and Town Employees" the night before.

VIII. Complaints

--Advocate Michael Murawski presented a Motion for Default in **C 16-34** because neither respondent Frantz Pierre nor his legal representative requested a public hearing within 21 days of notification of the finding of Probable Cause on November 9, 2016. Frantz's attorney, Benedict Kuehne, argued against the motion, questioning whether weekends and holidays were considered in the day count and noted that his response requesting a public hearing was submitted within five days of receiving the Advocate's witness list. Commissioner Bellido made a motion to deny the default and hold a public hearing. It was seconded by Vice Chair Cutler and unanimously approved (5-0). A status report will be presented in two months.

The Ethics Commission convened in closed session at 10:55 a.m. Commissioners returned to open session at 11:29 a.m. and took the following actions:

-- Vice Chair Cutler made a motion to lift the stay in **C 16-15** since the Third District Court of Appeal had ruled that a similar case was Legally Sufficient. The motion was seconded by Commissioner Narine Weldon and unanimously approved (5-0). Vice Chair Cutler made a motion to find No Probable Cause to the complaint alleging whistleblower retaliation against Inspector General Mary Cagle. The motion was seconded by Commissioner Bellido and approved 4-1 (Narine Weldon opposed).

-- Vice Chair Cutler made a motion to approve the Advocate's second motion for extension of time to make a probable cause determination in **C 16-31**. The motion was seconded by Commissioner Bernier and unanimously approved (5-0).

-- Vice Chair Cutler made a motion to approve the Advocate's first motion for extension of time to make a probable cause determination in **C 16-38**. The motion was seconded by Commissioner Bellido and

unanimously approved (5-0).

-- Vice Chair Cutler made a motion to find No Legal Sufficiency to Complaint C 16-39 since it alleges violations that are not within the COE's jurisdiction and it regards action taken more than 20 years ago, which is beyond the three year statute of limitations. The motion was seconded by Commissioner Bernier and unanimously approved (5-0).

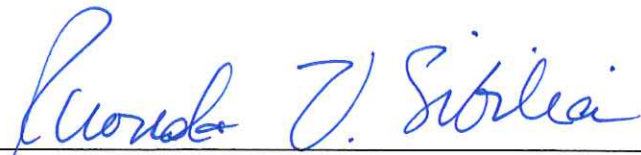
--Commissioner Narine Weldon made a motion to accept the settlement agreement for C 16-40 against Hialeah Fire Chief Miguel Anchia for failing to abide by gift disclosure rules when he accepted a skybox ticket worth \$1,000 for a Miami Dolphins-Baltimore Ravens game on December 6, 2015, but did not report the gift until he became aware of the ethics investigation in December 2016. As part of the settlement, Chief Anchia pled no contest to the charge and agreed to accept a Letter of Instruction. Commissioner Bellido seconded the motion and it was unanimously approved (5-0).

IX. Old Business

None

X. Adjournment

There being no further business, the meeting adjourned at 11:30 a.m.



Prepared by Rhonda Victor Sibia, Communications Director