

# MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

## Summary of Minutes and Agenda Actions

### Meeting of July 12, 2017

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on July 12, 2017. Present were Commission Vice Chair H. Jeffrey Cutler and Commissioners Nelson Bellido and Judith Bernier. 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 and Sylvia Batista, Investigators; Rachelle Calixte, Intern; Juan Ayala, Legal Intern; participants in the Summer High School Leadership Academy; and members of the public. The meeting was called to order at 10:03 a.m. by Vice Chair Cutler. A quorum was present.

#### **I. Approval of Minutes**

Commissioner Bellido made a motion to approve the minutes of the May 10, 2017, meeting. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

#### **II. Public Comment**

None.

#### **III. Section Eight Requests**

Staff Attorney Diaz-Greco had one request for a County employee to contract under the federally-funded Section 8 program (and another for which we have no jurisdiction), and, since he was 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 Commissioner Bernier 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. Commissioner Bellido made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (3-0).

#### **V. Monthly Summary of Inquiries**

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from April 29th through June 29th, of which two were briefly discussed.

#### **VI. Miami Beach Lobbyist Appeals**

Staff Attorney Martha Perez presented appeals from twelve 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 waive the \$1,350 fine levied on Sergio Abreu. It was seconded by Commissioner Bernier and unanimously approved (3-0).

-- Commissioner Bellido made a motion to waive the \$2,150 fine levied on Bradley Colmer, who was present, and expanded the motion to include others on his team: Max Leifer, Francisco Llado and Dan Marinberg. The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

- Commissioner Bellido made a motion to continue the appeal by Christina Cuervo until the next meeting. It was seconded by Commissioner Bernier and unanimously approved (3-0).
- Commissioner Bellido made a motion to waive the \$600 fine for Ira Giller. It was seconded by Commissioner Bernier and unanimously approved (3-0).
- Commissioner Bellido made a motion to waive the \$1,050 fine for Eric Katz, who was present. It was seconded by Commissioner Bernier and unanimously approved (3-0).
- Commissioner Bellido made a motion to waive the \$1,750 fine for Felix Pardo. It was seconded by Commissioner Bernier and unanimously approved (3-0).
- Commissioner Bellido made a motion to approve a continuance for Leyla Rojas Osorio. It was seconded by Commissioner Bernier and unanimously approved (3-0).
- Commissioner Bellido made a motion to waive the \$2,050 fine for Heather Rutecki. It was seconded by Commissioner Bernier and unanimously approved (3-0).
- Commissioner Bellido made a motion to waive the \$3,100 fine for Manuel Reyes. It was seconded by Commissioner Bernier and unanimously approved (3-0).

## **VII. Executive Director's Report**

- Executive Director Joseph Centorino announced the appointment of St. Thomas University Law Professor Carol Zeiner to fill the Ethics Commission term of Marcia Narine Weldon. Prof. Zeiner was sworn in during the prior week, but was unable to attend this meeting. She has requested the full commission consider moving the monthly meetings to the second Thursday. That will be discussed at the August COE meeting.
- Mr. Centorino presented a resolution asking the City of Miami Beach to waive fines for lobbyists who fail to file timely reports if they have had no expenses and/or compensation to report, in order to relieve the COE of the administrative appeals of such minor violations. The City of Miami Beach would continue to enforce such violations through administrative actions rather than monetary fines. Commissioner Bernier made a motion to approve the resolution. It was seconded by Commissioner Bellido and unanimously approved (3-0).
- Staff Attorney Radia Turay discussed the Summer High School Leadership Academy, then presented the eight student members of the program who introduced themselves.
- Mr. Centorino reported that efforts are underway to expand the agency's outreach efforts to non-English speaking communities, including the translation of the Highlights of the Code of Ethics into Spanish and Creole. Staff Attorney Diaz-Greco will reach out to Spanish speaking organizations, while intern Rashel Calixte will try to work with Haitian groups and local media.
- Mr. Centorino reported that The Miami City Commission adopted the Ethics Commission's Civility Oath at its June 8, 2017 meeting.
- He presented proposed updates to the COE Personnel Policy Manual for review and discussion at the next meeting.

## **VIII. Complaints**

Advocate Murawski presented a Letter of Instruction to the City of Miami as directed by the COE when it found No Probable Cause to a complaint (C17-08 A) charging Gus De Ribeaux of violating the City of Miami's lobbyist registration requirement, due to a lack of clarity in the City's lobbyist ordinance. Assistant Miami City Attorney Xavier Alban argued against the authority of issuing such a Letter, but his presentation was suspended when Commissioner Bellido stated that he would need to declare a conflict and recuse himself, which would leave the Commission without a quorum. Commissioners agreed to defer the issue.



The Ethics Commission convened in closed session at 10:55 a.m. Commissioners returned to open session at 11:17 a.m. and took the following action:

- Commissioner Bellido made a motion to support the Advocate's second request for an Extension of Time to Make a Probable Cause Determination for **C 17-05 (A) & (B)**. Commissioner Bernier seconded the motion and it was unanimously approved **(3-0)**.
- Commissioner Bellido made a motion to find No Probable Cause to a complaint (**C 17-07**) filed against Sweetwater City Commissioners Manuel Duasso and Idania Llanio for allegedly exploiting their positions by ordering or intimidating the Sweetwater City Clerk to deliver recall petitions to the County Elections Department without first making copies. There was no evidence to support the claim. Commissioner Bernier seconded the motion and it was unanimously approved **(3-0)**.
- Commissioner Bellido made a motion to find No Legally Sufficiency and dismiss a complaint filed against "Miami-Dade County Criminal Justice" since it does not identify a respondent or allege any violations of the Conflict of Interest and Code of Ethics Ordinance. Commissioner Bernier seconded the motion and it was unanimously approved **(3-0)**.
- Commissioner Bellido made a motion to support the Advocate's first motion for extension of time to make a probable cause determination for **C 17-12**. Commissioner Bernier seconded the motion and it was unanimously approved **(3-0)**.
- Commissioner Bellido made a motion to find No Probable Cause to a complaint (**C 17-13**) filed against North Miami Beach City Commissioner Phyllis Smith, alleging that she has lied on financial disclosure statements because the Commissioner publicly stated that she worked three jobs, while only formally listing two. She stated to investigators that she considered her third job to be wife, mother and grandmother, although they are uncompensated. Commissioner Bernier seconded the motion and it was unanimously approved **(3-0)**.
- Commissioner Bellido made a motion to find No Legal Sufficiency to a different complaint (**C 17-14**) against NMB Commissioner Smith because it concerned allegations involving election law violations that are not within the jurisdiction of the Ethics Commission. It was seconded by Commissioner Bernier and unanimously approved **(3-0)**.

#### **IX. Old Business**

None

#### **Adjournment**

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



Prepared by Rhonda Victor Sibilia, Communications Director