



For Immediate Release: December 14, 2017  
Contact: Joseph Centorino, Executive Director  
305-350-0613 or centori@miamidade.gov

### **Cone of Silence violation settled**

The Miami-Dade Commission on Ethics and Public Trust (COE) today approved a settlement to a complaint (**C 17-28**) by the head of a company seeking to operate the hotel at Miami International Airport. Carlos Rodriguez, CEO of Driftwood Acquisitions and Development, agreed not to contest the allegation that he violated Miami-Dade County's "Cone of Silence" when he contacted a deputy aviation director about the Request for Qualifications without filing a copy with the Clerk of the Board, as required. As part of the settlement, Rodriguez will accept a written Reprimand.

The COE dismissed a complaint (**C 17-33**) alleging that the Village of Miami Shores has failed to enforce the lobbying regulations of its own charter, but chastised the municipality for ignoring lobbyist registration requirements. The complaint was determined to be Not Legally Sufficient because it does not allege a specific violation under the Ethics Commission jurisdiction. However, Ethics Commission members agreed with a staff finding that the Miami Shores' lobbying ordinance is not consistent with the minimum standards required by the County Conflict of Interest and Code of Ethics Ordinance. COE staff has met with and is assisting the Village Attorney to bring the Miami Shores code into compliance and is offering lobbyist training to Village officials.

The COE approved a settlement with North Bay Village Commissioner Eddie Lim regarding a Complaint (**C 17-29**) for which Probable Cause was found last month. Commissioner Lim, who owns two units in the Lido Condominium and is President/Treasurer of its Condo Association, worked closely with North Bay Village administrators to bring the building into compliance and, during a hearing before a Special Magistrate this past April, the fine was significantly reduced. The Conflict of Interest and Code of Ethics Ordinance prohibits elected officials from representing third parties in such actions. The second count of the complaint charged that Commissioner Lim had proposed and voted on a contribution from the municipality to the North Bay Village Optimist Club, with which he is affiliated as a member of its Board of Directors, also in violation of the Code. However, due to his reliance on inaccurate advice from the Village Attorney, that count was dismissed. Commissioner Lim agreed not to contest the allegation that he improperly represented his condominium, and will accept a Letter of Instruction.

Ethics Commissioners found No Probable Cause to a complaint (**C 17-30**) alleging that North Bay Village Commissioner Douglas Hornsby and former Village Attorney Robert Switkes violated the Truth in Government provision of the Miami-Dade Citizens' Bill of Rights. The complaint regards Hornsby's drug-related conviction in 1990 in Tennessee and the restoration of his voting rights in 2005 by that state. The ethics investigation concluded that the allegations of both men lying during public meetings were unfounded and the complaint was dismissed. Similar allegations (**C 17-31**) were made by the same complainant against Village Councilman Eddie Lim and Village Manager Frank Rollason regarding comments made at an October meeting. The Ethics investigation found No Probable Cause on the complaint against Lim and No Legally Sufficiency to the charges against Rollason.

The COE found No Probable Cause to a complaint (**C 17-27**) filed against Miami Shores Village Councilman Steven Zerkowitz alleging several voter registration and residency violations and engaging in a voting conflict. The voter registration charges are not within the jurisdiction of the Ethics Commission so they were dismissed for Lack of Legal Sufficiency. An allegation that he lied about owning a home within the municipal jurisdiction was found to be related to the disruptive circumstances of his divorce and property settlement with his ex-wife. While an investigation did find that Zerkowitz lived outside of Miami Shores between August of 2016 and May of 2017, evidence shows he always intended to maintain legal residency within the municipality, and that he did so by leasing a condo within city limits on May 8, 2017. The investigation also found no conflict when Councilman Zerkowitz voted in favor of a company, RMA, which had responded to a Request for Qualifications in Miami Shores. RMA had listed Zerkowitz and his law firm, Gray Robinson, as a proposed subcontractor on work for another city, but the investigation found that work never occurred and neither Zerkowitz nor his firm received any benefit as a result of RMA being awarded the Miami Shores project.

Ethics Commissioners selected H. Jeffrey Cutler as the new chair, replacing Judge Lawrence Schwartz, whose two-year term expires this month. Judge Schwartz was recognized for the “professionalism, fairness, dignity and efficiency” in his running of the COE meetings. Cutler was appointed to the Ethics Commission in September 2015 by the Miami-Dade League of Cities. He is a Partner in the Coral Gables-based law firm of De La Cruz & Cutler, LLP, and served as a Councilmember and Vice-Mayor in the Village of Pinecrest from 2006 to 2013. Attorney and past Chair Nelson Bellido was elected vice-chair. Commissioners also voted to change their regular meeting date. The next meeting will be Wednesday, January 17, 2018. All meetings thereafter will be held at 10 a.m. on the second Wednesday of each month.

*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.*

###