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### **Miami-Dade Ethics Commission opposes legislative power play over state ethics agency**

The Miami-Dade Commission on Ethics and Public Trust (COE) today adopted a resolution supporting the continued independence of the State of Florida Commission on Ethics and opposing any attempt by legislative leaders to limit its power. The action was prompted by a “Delegation of Authority” memo issued by Florida Senate President Joe Negron and House Speaker Richard Corcoran on March 21, 2017, that gives the legislature administrative authority over some functions of the State Ethics Commission, including the agency’s hiring process. Critics claim the memo creates a serious conflict of interest and violates the constitutionally mandated independence of the Florida Ethics Commission that threatens its ability to fulfill its mission to the state’s citizens. The resolution noted that the County’s Ethics Commission, which has independence under the County Charter, believes that an ethics commission’s independence and freedom from political interference are crucial to the protection of the public trust.

A county or municipal employee who creates and heads a nonprofit organization – even if unpaid – is considered engaging in outside employment and must complete the required paperwork annually. That was the finding by the Ethics Commission in response to a Request for Opinion (**RQO 17-03**) from the Miami-Dade Finance Department. Previous opinions had determined that employees who volunteer uncompensated time for a traditional non-profit do not usually have to report that time as outside employment. But the opinion approved today concludes that a public employee who founds and serves as the top administrator of his or her own non-profit could be expected to expend time and effort that could interfere with his or her government responsibilities and, therefore, should report the outside employment each year.

Ethics Commissioners found No Legal Sufficiency and dismissed a complaint (**C 17-04**) alleging that two members of a City of Miami selection committee had conflicts of interest. Attorney J. C. Planas complained that Antonio Arce and Jason Swift – employees of the cities of Hialeah and Coral Gables (respectively) with expert knowledge of public service radio systems – were biased against Motorola Solutions and in favor of Harris Corporation in Miami’s Request for Proposal to update its communications network. The Ethics Commission determined that the two members did not have a prohibited conflict since neither would be directly affected by the recommendation of the selection committee.

No Probable Cause was found regarding another complaint filed by Attorney Planas (**C 17-02**) -- this one representing a group seeking to recall Sweetwater Mayor Orlando Lopez. Planas stated that he delivered more than 1,800 signed petitions for the recall vote to Sweetwater City Clerk Carmen Garcia on February 8, 2017, then followed her as she attempted to deliver them to the Miami-Dade Elections Office. The attorney said that Ms. Garcia was directed by either Mayor Lopez or the Sweetwater police chief to return to City Hall to copy the petitions, which she did. Planas claimed that Mayor Lopez used the power of his office to issue an unlawful order and intimidate the Clerk, but the investigation found no evidence that the mayor ordered her return and, even if he did, had the authority to do so. It was also determined that the clerk was supposed to keep copies of the petitions before turning them over to the Elections Department. The complaint was dismissed.

The COE dismissed a complaint (**C 17-03**) filed against South Miami Mayor Philip Stoddard and City Manager Steven Alexander for allegedly interfering with the independence of the South Miami Community Redevelopment Agency (SMCRA) by one of its members, Donald Jackson. While an investigation did find disagreements among members of the City Commission who also serve on the SMCRA, and other members of that Board, there was no evidence of a conflict of interest or any other Ethics Code violation. Other allegations made by Jackson did not fall under the jurisdiction of the Ethics Commission.

The COE also dismissed a complaint (**C 17-06**) filed against Miami Lakes Town Manager Alex Rey for allegedly violating the Truth in Government provision of the Miami-Dade County Charter. Members of the Loch Ness Homeowners Association charged Rey with lying to them when he said he had not received a written settlement offer from Comar Ventures Corporation regarding its building application in that community, when in fact a verbal offer had been made. Since the investigation determined that there was no intention to deceive on Rey's part, the Ethics Commission found No Probable Cause to the complaint.

A complaint (**C 17-10**) filed against Miami-Dade County Commissioner Daniella Levine-Cava, accusing her of harassing and intimidating the complainant at a public event, was dismissed as Not Legally Sufficient. Raniero Gimeno, who is in litigation against the commissioner's husband, provided no proof to support his allegation.

Ethics Commissioners found No Probable Cause that Gus De Ribeaux violated the City of Miami's rules when he met with staff members and sent emails in October 2015 regarding a development proposed by his company, Battersea Woods LLC, without registering as a lobbyist. Because the city's lobbyist registration form is ambiguous on whether the principal of a firm must register as a lobbyist, which is required by its code, the Ethics Commission will issue a Letter of Instruction to city staff recommending a clarification and better instruction on its rules. The complaint (**C 17-08**) also named Javier Vazquez, the lobbyist hired by De Ribeaux, who last month agreed not to contest the charge and was fined \$500.

Farewells and words of appreciation were shared today as Ethics Commission member Marcia Narine Weldon and Investigator Breno Penichet attended their final meetings. Professor Weldon gave up her appointment by St. Thomas University by accepting a new academic position at the University of Miami. She became an Ethics Commissioner in 2014. Penichet is retiring after 42 years of local public service. He was an officer for the Miami-Dade Public Safety Department and Florida International University Police Department before serving 20 years as an investigator for the Miami-Dade State Attorney's office, followed by his 10-year service at the Ethics Commission.

*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.*

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