



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of January 8, 2020

The Miami-Dade Commission on Ethics (COE) convened in the Office of the Miami Dade County Commission on Ethics, 8th Floor Conference Room, located at 19 West Flagler Street, Miami, Florida on January 8, 2020. Present were Chairman Nelson C. Bellido, Vice Chair Judith Bernier, and Commissioners Lawrence Schwartz, Jan Jacobowitz, and Wifredo Gort. Also present were Jose Arrojo, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Martha Perez, and Radia Turay, Staff Attorneys; Leonardo Mendoza, Public Information Officer; Rachelle Ross, Commission Clerk; Investigator Nilda Olmo; Investigator Susannah Nesmith; and members of the public. The meeting was called to order at 10:00 a.m. by Chairman Bellido. A quorum was present.

I. Approval of Minutes

Commissioner Schwartz made a motion to approve the minutes of the December 11, 2019, meeting. Commissioner Bernier seconded it and it was unanimously approved (5-0).

II. Public Comment

Christopher Davis spoke about a complaint he had previously filed, and he felt as if it was dealt with unfairly. Mr. Davis also provided the Commission with two CD's containing audio of previous Commission meetings involving his case and asked that they review the audio.

Gustavo Chacon stated that he agreed with Mr. Christopher Davis regarding his concern with the Commission on Ethics. Mr. Chacon stated that he has witnessed unethical conduct in government in the past, has expressed his concern to the commission, and nothing gets done.

New Commissioner Wifredo Gort Introduced

Former City of Miami Commissioner Wifredo "Willy" Gort was introduced by Chairman Bellido and Executive Director Arrojo as the newest commissioner for the Miami-Dade County Commission on Ethics and Public Trust, replacing the late Jeffrey Cutler who passed away in September of 2019. Director Arrojo mentioned that Commissioner Gort had already spent two hours reviewing the day's agenda with him and offered the commissioner his staff's full support. Mr. Gort expressed how much he is looking forward to working with the Commission.

III. Public Housing and Community Development Housing Assistance Inquiries

Staff Attorney Diaz-Greco presented a request from three individuals in the month of December wishing to contract under the federally funded Section 8 program. In the case of two individuals, neither they nor any of their immediate family members are employed by the Miami-Dade Public Housing and Community Development Department, so Staff Attorney Diaz-Greco recommended they be approved. The other individual is an employee of the Miami-Dade County School Board and the County Ethics Code does not grant jurisdiction to the Commission over school board employees. Commissioner Schwartz moved to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved **(5-0)**.

IV. 2020 Financial Disclosure

Staff Attorney Diaz-Greco provided an update on the 2020 financial disclosure cycle reporting for the 2019 tax year.

V. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE that were remaining for 2019.

VI. Executive Director's Report

Executive Director Jose Arrojo made a presentation regarding voting conflicts for elected officials considering traffic mitigating matters in small cities where these elected officials have a unique connection to the subject matter. Mr. Arrojo indicated that ethics staff will be seeking formal guidance from the Commission on an opinion regarding this matter, that will have Countywide application, in the upcoming months. Robert Meyers of the law firm of Weiss Serota Helfman Cole & Bierman, who originally brought this matter to question, also presented.

Staff Attorney Martha Perez presented the Commission a report of her recent visit to the 2019 Council on Government Ethics (COGEL) conference held this past December 15-18 in Chicago and described how informative and productive the conference turned out to be.

VII. Complaints (In Open Session)

The commission agreed to hold a public hearing on May 27th at 10AM in case **(C 18-17-04)** involving State Representative Michael Grieco.

Advocate Murawski presented a Defense Motion to Stay in complaint **(C 19-05-02)** involving former Opa-Locka Mayor John Riley. Commissioner Schwartz made a motion to deny the Stay. Commissioner Jacobowitz seconded the motion and it was unanimously approved **(5-0)**.

At 10:38 AM, the Commission went into closed session.

Advocate Murawski expressed no objection to the complainant's motion to withdraw a complaint **(C 19-30-08)** filed against Eddy Leal, counsel to the City of Miami. The Advocate had no objection to dismissal of the allegation regarding unregistered lobbying. In open session, Commissioner Schwartz made a motion to dismiss the complaint. Commissioner Jacobowitz seconded the motion and it was unanimously approved **(4-0)**. Commissioner Gort recused himself from hearing this complaint. Advocate Murawski then presented a Motion to find Probable Cause that Mr. Leal violated the Section 2-11.1(m) of the Miami-Dade County Conflict of Interest and Code of Ethics. The Commission watched a video and heard presentations from Advocate Murawski, Mr. Leal, and his attorney David Winker. In open session, Commissioner Schwartz made a motion to approve a finding of Probable Cause against Mr. Leal. Commissioner Bernier seconded the motion, but it was not approved **(2-2)**. Chairman Bellido and Commissioner opposed. Commissioner Gort recused himself from hearing this complaint.

Advocate Murawski presented no objection to a Motion for Continuance filed by the defense in case **(C 19-39-10)**. In open session, Commissioner Jacobowitz made a motion to approve the Motion for Continuance. Commissioner Bernier seconded the motion and it was unanimously approved **(4-0)**. Commissioner Schwartz recused himself from this hearing.

Advocate Murawski presented a Motion to Approve a Finding of No Legal Sufficiency in complaint **(C 19-48-11)**. In open session Commissioner Jacobowitz made a motion to approve the findings of No Legal Sufficiency. It was seconded by Commissioner Schwartz and unanimously approved **(5-0)**.

Advocate Murawski presented a Motion to Approve a Finding of No Legal Sufficiency in complaint **(C 19-49-12)**. In open session Commissioner Jacobowitz made a motion to approve the findings of No Legal Sufficiency. It was seconded by Commissioner Schwartz and unanimously approved **(5-0)**.

At 11:21 AM, the Commission went back into open session.

VIII. Interview of General Counsel Candidates

After conducting six public interviews (Cynthia Everett, Gilma Diaz-Greco, Matthew Hodes, Louis Martinez, Martha D. Perez, Arianne Suarez), the Miami-Dade Commission on Ethics and Public Trust selected Ethics Commission Staff Attorney, Martha D. Perez, as the new Ethics Commission General Counsel **(3-2)**.

IX. Old Business

None

XI. Adjournment

There being no further business, the meeting adjourned at 2:45PM.

Prepared by Leonardo Mendoza, Public Information Officer