



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of March 11, 2020

The Miami-Dade Commission on Ethics (COE) convened on March 11, 2020 at 19 W. Flagler Street, Suite 820 in the Commission on Ethics & Public Trust Conference Room. Present were Chairman Nelson C. Bellido, Commissioners Jan Jacobowitz, Lawrence Schwartz, and Wifredo Gort. Also present were Jose Arrojo, Executive Director; Michael Murawski, Advocate; Martha Perez, General Counsel; Gilma Diaz-Greco and Radia Turay, Staff Attorneys; Leonardo Mendoza, Public Information Officer; Rachelle Ross, Commission Clerk; Investigator Nilda Olmo; and members of the public. The meeting was called to order at 10:02 a.m. by Chairman Bellido. A quorum was present.

I. Approval of Minutes

Commissioner Jacobowitz made a motion to approve the minutes of the February 12, 2020, meeting. Commissioner Gort seconded it and it was unanimously approved **(4-0)**.

II. Public Comment

None

III. Section 8 Requests

Staff Attorney Diaz-Greco presented requests from three individuals in the month of February wishing to contract under the federally-funded Section 8 program. In the case of those individuals, neither they nor any of their immediate family members were employed by the Miami-Dade Public Housing and Community Development Department, so Staff Attorney Diaz-Greco recommended they be approved. Commissioner Gort moved to approve the recommendation. It was seconded by Commissioner Jacobowitz and unanimously approved **(4-0)**.

IV. Public Housing and Community Development Housing Assistance Inquiries

Staff Attorney Diaz-Greco presented requests from three individuals in the month of February seeking assistance through a program overseen by the Miami-Dade Public Housing and Community Development Department and since neither they nor any of their immediate family members oversee or administer the programs, Staff Attorney Diaz-Greco recommended they be approved. Commissioner Schwartz moved to approve the recommendation. It was seconded by Commissioner Jacobowitz and unanimously approved **(4-0)**.

V. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE for February and discussed **INQ 20-07** involving David J. Carter, the Vice-President of ATKINS NORTH AMERICA, who is a proposer on the construction, engineering and inspection (CEI) services for the metromover comprehensive wayside system overhaul. Mr. Atkins questioned if representatives from their CEI team could attend pre-proposal conferences without any violation of the cone of silence and if they were able to attend whether there were any restrictions for his team in terms of being able to ask questions.

Mr. Atkins was advised that there is an exemption in the County Ethics Code that exempts oral communications during publicly noticed pre-bid conferences from the Cone of Silence prohibitions. He was further advised that these meetings are however subject to the Sunshine Law, and pursuant to the Sunshine Law requirements, any person who chooses to attend a duly noticed pre-bid conference may do so, as the meeting is open to the public.

VI. Executive Director's Report

- Ethics Commission Executive Director, Jose Arrojo, provided the Commission with a memorandum on Due Process Considerations regarding the COE's non-disclosure policy that seeks to protect the identity of alleged violation reporting individuals.

- Executive Director Arrojo provided an update on the matter 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 continue to have meetings with the municipal bars with the intent of coming into an agreement as to how to deal with this matter but that most likely formal guidance from the Commission will be sought on an opinion regarding this matter that will have countywide application.

Complaints (In Open Session)

General Counsel Martha Perez indicated that Petitioner Eddy Leal had withdrawn his petition for attorney's fees on case **(C 19 30-08)** and it was taken off the agenda. Petitioner Eddy Leal was present and briefly addressed the Commission.

At 10:25 AM, the Commission went into closed session.

Advocate Michael Murawski presented a Motion to Approve a Finding of No Legal Sufficiency in complaint **(C 20-03-01)** and a finding of No Probable Cause that the respondent violated the Citizens' Bill of Rights Truth in Government section. In open session, Commissioner Schwartz made a motion to approve the findings of No Legal Sufficiency and No Probable Cause that the respondent violated the Citizens' Bill of Rights Truth in Government section. It was seconded by Commissioner Gort and unanimously approved **(4-0)**.

General Counsel Martha Perez presented a Motion to Dismiss complaint **(C 20-02-01)** based on a lack of legal sufficiency. In open session, Commissioner Schwartz made a motion to approve the dismissal of the complaint due to no Legal Sufficiency. It was seconded by Commissioner Gort and unanimously approved **(4-0)**.

Advocate Murawski presented a Motion to Approve a Finding of No Legal Sufficiency in complaint **(C 20-10-02)**. Petitioner Frances Neuhut was present and addressed the commission. In open session, Commissioner Schwartz made a motion to approve the findings of No Legal Sufficiency. It was seconded by Commissioner Gort and unanimously approved **(4-0)**.

Advocate Murawski presented three Stipulations to Probable Cause and Settlements providing for \$300 of costs to be paid, as well as reimbursement to the City of Virginia Gardens and a dismissal of the complaints with Letters of Instruction in complaints **(C 20-07-02)**, **(C 20-08-02)**, and **(C 20-09-02)**. In open session, Commissioner Schwartz made a motion to approve the Stipulations to Probable Cause and the Settlements of the complaints according to the Settlements. They were seconded by Commissioner Gort and unanimously approved **(4-0)**.

Staff Attorney Radia Turay presented Stipulations to Probable Cause with Letters of Instruction in complaints **(C 20-11-02)** and **(C 20-12-02)**. In open session, Commissioner Schwartz made a motion to

approve the Stipulations to Probable Cause and the issuance of Letters of Instruction. They were seconded by Commissioner Gort and unanimously approved **(4-0)**.

General Counsel Martha Perez presented a Motion to Dismiss complaint **(C 20-05-01)** for No Legal Sufficiency. In open session, Commissioner Schwartz made a motion to approve the Dismissal of the complaint for No Legal sufficiency. It was seconded by Commissioner Gort and unanimously approved **(4-0)**.

General Counsel Martha Perez presented a Motion to Dismiss complaint **(C 20-06-02)** for No Legal Sufficiency. In open session, Commissioner Schwartz made a motion to approve the dismissal of the complaint for No Legal sufficiency. It was seconded by Commissioner Gort and unanimously approved **(4-0)**.

General Counsel Martha Perez presented a Motion to Dismiss complaint **(C 20-13-02)** for lack of legal sufficiency. In open session, Commissioner Schwartz made a motion to approve the Dismissal of the complaint for No Legal Sufficiency. It was seconded by Commissioner Gort and unanimously approved **(4-0)**.

VII. Old Business

None

XI. Adjournment

There being no further business, the meeting adjourned at 10:52AM.

Prepared by Leonardo Mendoza, Public Information Officer