

## **October 30, 2008 Meeting Summary**

**For more information contact Robert Meyers @ (305) 350-0613**

### **Opinions**

08-46: The Commission on Ethics opined that PBSJ may provide AE services for the development of the Port of Miami 2035 Master Plan. PBSJ's current contract as Program Management Consultant does not conflict with the anticipated scope of services for the Master Plan update because the firm will not have any overlapping oversight or planning responsibilities.

08-47: The Commission on Ethics opined that the firms of Dan L. Wiley and Sixto Architects may serve as members of the Bermello team for design services for a courthouse annex and parking garage at the Joseph Caleb Center. The Caleb Center project was already planned prior to the firms' work on the Master Plan for Courtroom Expansion.

08-48: An administrator for the Miami-Dade County Community Action Agency (CAA) is also a member of the Positive Aging Committee. The Aging Committee is hosting an event and tickets are being sold for \$150. Another Positive Agency Committee member is a Florida Power and Light employee and purchased a table for the event, offering seats to members of the committee. The Commission on Ethics opined that the CAA employee may accept the ticket from Florida Power and Light and is reminded to report the gift if it exceeds \$100.

### **Complaints**

07-28: The Commission on Ethics convened a public hearing and began to hear testimony in the complaint against Joel Jacobi, Bal Harbour Islands Councilman, for allegedly not timely filing financial disclosure forms and allegedly failing to accurately complete some of these forms. The hearing could not be concluded and will be continued in November 2008.

08-18: The Commission on Ethics found no probable cause against Lt. Edgar Nieves, an employee with the Miami-Dade County Department of Corrections and the President of the United Correctional Officers Federation (UCOF), in connection with an allegation that he violated the county's rules on outside employment regarding the \$2,400 he received as UCOF President. The Ethics Commission held that such payments do not fall within the definition of outside employment income.

08-19: The Commission on Ethics dismissed the complaint against Respondent Rebecca Alvarez-Mena in connection with her failure to file a financial disclosure statement as a member of the City of Miami's Equal Opportunity Advisory Board in light of the fact she complied with the disclosure requirement and no longer sits on the board.

08-22: The Commission on Ethics found no probable cause against Bay Harbor Councilpersons Ilene Wallace, Kenneth Weinstein and Robert Yaffe in connection with their actions taken concerning the Millennium project and transfer development rights. Councilwoman Wallace and Councilman Weinstein reside in the two buildings agreeing to sell transfer development rights to Millennium. When the Millennium matter was brought before the City Council, both Councilmembers Wallace and Weinstein recused themselves from voting. Councilmember Yaffe, who was the attorney for one of donor properties, voted when the Millennium matter was brought before the City Council, but he did so based upon the advice of the Town's legal counsel.

08-23: The Commission on Ethics dismissed the complaint against Respondent Sam Mason in connection with his failure to file a financial disclosure statement as a member of the City of Miami's Equal Opportunity Advisory Board due to his poor health and the extreme hardship that would be placed on him if he were called to testify at the public hearing.

08-24: The Commission on Ethics dismissed the complaint for lack of legal sufficiency against Lt. Edgar Nieves, an employee with the Miami-Dade County Department of Corrections, finding the complaint did not state a possible violation of the county's Conflict of Interest and Code of Ethics Ordinance.

08-25: The Commission on Ethics dismissed the complaint for lack of legal sufficiency against Juan Diaz-Estrada, Luis Cuellar, Gilberto Rosales, Lusy Germain and Ann Nesbitt, employees of the county's Office of Neighborhood Compliance, in connection with allegations of sexual harassment, as the Ethics Commission is not the proper forum for these complaints.