

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of January 17, 2018

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on January 17, 2018. Present were Chairman H. Jeffrey Cutler, Vice-Chair Nelson Bellido and Commissioners Judith Bernier and Carol Zeiner. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Martha Perez and Radia Turay, Staff Attorneys; Rhonda Victor Sibilia, Communications Director; Rachelle Ross, Executive Secretary; Susannah Nesmith, Larry Lebowitz, Sylvia Batista and Nilda Olmo, Investigators; and members of the public. The meeting was called to order at 10:02 a.m. by Chairman Cutler, who welcomed Mr. Bellido as Vice-Chair. A quorum was present.

I. Approval of Minutes

Commissioner Zeiner made a motion to approve the minutes of the December 14, 2017, meeting. It was seconded by Commissioner Bernier and unanimously approved (4-0).

II. Public Comment

None.

III. Section Eight Requests

Staff Attorney Gilma Diaz-Greco had three requests from individuals wishing to contract under the federally-funded Section 8 program, but since neither they nor an immediate family member is employed by the Miami-Dade Public Housing and Community Development Department, recommended approval. She did note that one of the applicants is the mother of a Miami-Dade Police Officer, while another son is a Councilman in the Village of El Portal. Since the property is not located in El Portal, the determination was made that there was no conflict. Commissioner Zeiner made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (4-0).

IV. Financial Disclosure

Staff Attorney Diaz-Greco discussed the 2018 Financial Disclosure filing requirements and noted the addition of consultants to those who may be required to file under County rules.

V. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from December 1st through the end of the calendar year, of which two – INQ 17-270 and INQ 17-282 -- were briefly discussed.

VI. Executive Director's Report

--Executive Director Joseph Centorino introduced Investigator Susannah Nesmith who summed up the findings of her research into compensation for elected officials and top administrators of all local governments in Miami-Dade County. It took approximately 100 public records requests and many months to complete, with the goal of providing transparency for residents to learn how much elected officials pay themselves and context so they may compare one municipality against another.

--Mr. Centorino updated Commissioners on SB 1534/HB 7003 that would create a statewide lobbyist registration system that would replace the county registration process and cost the COE some revenue. The proposal has passed the Florida House, but has not yet been heard in the Senate. He said Miami-Dade County lobbyists are working against the measure.

--He reported that the Miami City Commission has adopted an amended lobbying ordinance that is more in line with the County's lobbying ordinance. It took effect January 1, 2018.

--Mr. Centorino invited Commissioners to attend the Feb. 1, 2018, Municipal Attorneys' Luncheon at Fado Irish Pub in Mary Brickell Village for a seminar entitled "Anatomy of a Municipal Legal Battle."

VII. Request for Opinion

Staff Attorney Martha Perez presented Request for Opinion (**RQO 18-01**) from an official of the County's Animal Services Department asking whether employees of that agency may participate in a relatively new program that provides free veterinary care for pet owners who want to surrender their animals because they can't afford treatment. The Pet Retention Veterinary Care Referral Program began approximately a year ago, funded through a grant and partnership between the County and the American Society for the Prevention of Cruelty to Animals. It has not been widely publicized. When a pet owner tries to surrender an animal to the County shelter for medical reasons and a clerk determines the owner would keep the pet if veterinary care was provided, vouchers for a maximum value of \$1,500 may be given for treatment by participating local veterinarians. Noting the lack of eligibility criteria in the program, the proposed RQO recommended that such criteria be established to eliminate any perception of favoritism or an unfair advantage and that employees of Animal Services may not participate. Commissioner Bernier made a motion to approve the staff recommendation. It was seconded by Commissioner Zeiner and unanimously approved (**4-0**).

VIII. Complaints

-- Advocate Michael Murawski offered a status update for a public hearing on **C 16-34**. Michael Davis, an attorney for Frantz Pierre, said there had be no change in Mr. Pierre's health status and that his physician recommended no hearing until March or April. After discussion, Mr. Murawski said he would contact the commissioners to set a tentative date for a hearing in April prior to the next meeting.

-- Mr. Murawski presented a proposed Letter of Reprimand for Carlos Rodriguez, the CEO of Driftwood Acquisitions and Development, who in December settled a complaint (**C 17-28**) that he violated Miami-Dade County's "Cone of Silence" when he contacted a deputy aviation department director regarding a bid to operate the hotel at Miami International Airport without filing a copy with the Clerk of the Board, as required. The Reprimand states that the Cone of Silence was adopted to ensure accountability and transparency in the County's competitive bid system and Rodriguez's failure to publicly file his written communication "damages the integrity of the procurement process." Vice-Chair Bellido made a motion to ratify the Letter. It was seconded by Commissioner Bernier and unanimously approved (**4-0**).

-- Mr. Murawski presented a Letter of Instruction for North Bay Village Commissioner Eddie Lim for **C 17-29** for which Probable Cause was found that he represented his condominium association before a Special Magistrate of the Village. It reminds him that the Conflict of Interest and Code of Ethics Ordinance prohibits elected officials from representing third parties. It also cites the prohibition on participating in an official action concerning an entity on which he serves as a board member, as Commission Lim did regarding a grant to the North Bay Village Optimists Club. Vice-Chair Bellido made a motion to ratify the Letter. It was seconded by Commissioner Zeiner and unanimously approved (**4-0**).

The Ethics Commission convened in closed session at 10:52 a.m. Commissioners returned to open session at 11:18 a.m. and took the following action:

-- Commissioner Zeiner made a motion to find No Probable Cause to a complaint (**C 17-26**) filed by former Miami Lakes Mayor Michael Pizzi against Town Manager Alex Rey, alleging violations of the "Truth in Government" provision of the Citizens' Bill of Rights. The issue involved a proposed settlement with a former Town employee that was presented to the Town Council last September, but the Ethics investigation found no proof that the manager knowingly furnished false information or omitted significant facts. The motion was

seconded by Commissioner Bernier and unanimously approved (4-0).

-- Vice-Chair Bellido made a motion to approve a settlement to a complaint (C 17-34) with a former procurement official in the Miami-Dade Aviation Department who pled no contest to charges of soliciting a job with an outside company with which she interacted as a County employee, and also violating the "Cone of Silence" by communicating in ways that would assist that company during a bid process. Debra Shore, who held the position of Aviation Senior Cost Manager until her resignation in April 2015, will pay a \$1,000 fine and accept a Public Reprimand. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

-- Commissioner Zeiner made a motion to find No Probable Cause to a complaint (C 17-35) filed by Gary Ressler, a member of the City of Miami's Flagler Street Development Task Force, accusing former Miami City Manager Daniel Alfonso of violating the Truth in Government section of the Citizens' Bill of Rights when he authored a memo chastising unprofessional decorum. While the Ethics Commission staff recommendation suggests Alfonso used poor judgement by writing about the meeting without reviewing a recording or transcript, it found no proof that Alfonso knowingly furnished false information. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

-- Staff Attorney Perez requested an extension of time to make a Probable Cause determination for C 17-36. Vice-Chair Bellido made a motion to approve the request. It was seconded by Commissioner Bernier and unanimously approved (4-0).

-- Commissioner Zeiner made a motion to find No Probable Cause to a complaint (C 17-37) filed by Horace Feliu, one-time and current candidate for South Miami Mayor, that accused current Mayor Philip Stoddard of committing fraud and violating the public trust by having the city pay legal fees for what Feliu referred to as a personal issue. Finding that insurance carriers for both the city and Stoddard's home had reached an agreement to share the costs of legal coverage, the Ethics Commission found no evidence that Mayor Stoddard misused his position in any way to obtain a special benefit. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

IX. Old Business

Advocate Murawski revisited C 17-08, in which the Ethics Commission directed a Letter of Instruction be sent to the City of Miami, where the principal of a business had failed to register as a lobbyist, noting that the City of Miami ordinance was vague on the requirements. Since the newly adopted amended lobbying ordinance clarifies the registration requirement, Mr. Murawski suggested the Letter of Instruction was no longer needed and the Commission agreed.

X. Adjournment

There being no further business, the meeting adjourned at 11:23 a.m.



Prepared by Rhonda Victor Sibia, Communications Director