



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions Meeting of December 13, 2018

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on December 13, 2018. Present were Chairman H. Jeffrey Cutler, Vice-Chairman Nelson Bellido and Commissioner Judith Bernier. Also present were Jose Arrojo, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Martha Perez, and Radia Turay, Staff Attorneys; Rhonda Victor Sibilia, Communications Director; Rachelle Ross, Executive Secretary; other staff members and members of the public. The meeting was called to order at 10:01 a.m. by Chairman Cutler. A quorum was present.

I. Approval of Minutes

Vice Chair Bellido made a motion to approve the minutes of the November 14, 2018, meeting. Commissioner Bernier seconded it and it was unanimously approved (3-0).

II. Public Comment

County Commissioner Xavier Suarez requested that the hearing of the complaint against him (C 18-43-10) be moved out of order due to a meeting of the Transportation Subcommittee.

Paul Schweip commended Commissioner Suarez's constant support of the proper use of transit surtax funds. Chairman Cutler agree to hear C 18-43-10 and closed the meeting at 10:07 a.m. The meeting was open to the public at 10:28 a.m.

III. Request for Opinion 18-05

Staff Attorney Radia Turay recommended that a representative of a firm negotiating with the County on a bid waiver contract that is procured through non-competitive procurement must still register as a lobbyist. The question arose from an Office of the Inspector General review of a Bid Waiver Contract for Traffic Signal System Modernization that was awarded to Econolite Control Products, Inc., by the Board of County Commissioners. Vice Chair Bellido made a motion to adopt the recommendation. Commissioner Bernier seconded it and it was unanimously approved (3-0).

IV. Section Eight Requests

Staff Attorney Gilma Diaz-Greco presented a request from one individual wishing to contract under the federally-funded Section 8 program, and since neither he nor immediate family members are employed by the Miami-Dade Public Housing and Community Development Department, recommended approval. Vice Chair Bellido moved to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (3-0).

V. Housing requests

Staff Attorney Diaz-Greco presented the requests of four County employees or their relatives to seek assistance through programs overseen by the Miami-Dade Public Housing and Community Development Department, and since neither they nor any of their family members oversee or administer the programs, recommended they be

approved. Vice Chair Bellido made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (3-0).

VI. Outside Employment Reporting and Review Process

Staff Attorney Diaz-Greco reported on updates to the County's Outside Employment reporting process. Beginning in 2019, every County employee will be required to log into new software to disclose if he or she is engaged in outside employment. If so, it will lead to a digital permission application that will automatically be sent to the department director, who can forward to the Ethics Commission if a conflict is suspected. Executive Director Arrojo raised the issue of a grace period for employees who did not report their outside employment previously. After discussion, it was agreed that there would be a six-month grace period and that the COE would not take enforcement action against those who have not filed financial statements longer than for the past year.

Chairman Cutler called a recess at 11:06. The meeting was called back to order at 11:09.

VII. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from November 1-30 and discussed one – **INQ 18-243**.

VIII. Executive Director's Report

-- Executive Director Jose Arrojo presented a proposed letter to the Mayor and Board of County Commissioners (BCC) detailing the findings of an investigation into County-contracted lobbyists. Beginning nearly two decades ago, the BCC adopted a series of resolutions and one ordinance that prohibits lobbyists hired to represent their interests during the annual state legislative session from representing other clients with conflicting interests. The rules also require hired lobbyists to report, in writing, all other entities they contract with who have a stake in state legislative action. The investigation determined, however, that no County agency has requested, collected or maintained such reports. The letter recommends enforcement of existing rules, and possibly request a third party – such as the Clerk of the Board – to collect and maintain lobbyist conflict reports. Leonard Collins, legal counsel for some of the lobbyists named in the report, asked that the Ethics Commission defer action on the letter to work with staff on a way to meet the existing rules.

-- Mr. Arrojo reported on training sessions for elected officials, including joint sessions with the Miami-Dade County League of Cities. He also reported on expanded efforts to reach out to local media, including a scheduled appearance with Vice-Chair Bellido later that day on a talk show on Radio Caracol, hosted by former Hialeah Mayor Raul Martinez.

IX. Complaints

-- Advocate Michael Murawski discussed the unpaid fine levied on Frantz Pierre on May 24, 2018, for violating the Ethics Code as determined in **C 16-34**. Pierre's attorney, Michael Davis, asked the COE to permit him to work with the Advocate on a payment plan due to Mr. Pierre's financial challenges. Chairman Cutler agreed but requested that an affidavit affirming Mr. Pierre's financial status be submitted to Mr. Murawski.

--Mr. Murawski reported he hoped to schedule a hearing on **C 18-08-01** regarding South Miami Mayor Phil Stoddard. Attorney Michael Davis stated that discovery had just begun and suggested a status report in March, which was

agreed to.

- X. -- Mr. Murawski reported that settlement negotiations with Michael Greico regarding **C 18-17-04** have reached an impasse and that depositions are getting underway in preparation for a hearing, possibly in the summer.

-- Advocate Murawski presented a Letter of Instruction for **C 18-32-08** to South Miami Mayor Philip Stoddard, who was found in October to have violated the Conflict of Interest and Code of Ethics Ordinance by speaking in favor of a proposal for the City to pay his legal defense associated with an earlier ethics complaint. Mayor Stoddard stated that he believed the complaint stemmed from differing legal interpretations of state law by the city attorney and the COE legal staff but agreed to accept the Letter as written. Vice Chair Bellido made a motion to ratify the Letter. It was seconded by Commissioner Bernier and unanimously approved **(3-0)**.

The Ethics Commission convened in closed session at 11:29 a.m. Commissioners returned to open session at 11:58 a.m. and took the following actions:

-- Vice Chair Bellido made a motion to lift the stay imposed on **C 16-31** while it was under review by the State Attorney's Office and proceed with the investigation and probable cause determination. It was seconded by Commissioner Bernier and unanimously approved **(3-0)**.

-- Vice Chair Bellido made a motion to lift the stay imposed on **C 17-36** while it was under review by the State Attorney's Office and proceed with the investigation and probable cause determination. It was seconded by Commissioner Bernier and unanimously approved **(3-0)**.

-- Vice Chair Bellido made a motion to find No Probable Cause to three complaints (**C 18-37-09, C 18-40-10, & C 18-41-10**) filed by Palmetto Bay Councilman David Singer against Vice Mayor John Dubois, alleging Dubois violated the voting conflicts provisions of the ethics ordinance regarding land use applications in the Village because the investigations determined there was no evidence to support the allegations. It was seconded by Commissioner Bernier and unanimously approved **(3-0)**.

-- Vice Chair Bellido made a motion to find Probable Cause that County Commissioner Xavier Suarez violated the Ethics Ordinance when he filed a lawsuit in August on behalf of three plaintiffs against Mayor Carlos Gimenez and the County alleging misuse of the half-penny transit tax, based on a provision of the Code that prohibits County officials from taking legal action on behalf of third parties against the County. Because Suarez immediately removed himself as attorney of record upon learning about the prohibition, the motion included a dismissal of the complaint (**C 18-43-10**) with issuance of a Letter of Instruction. Commissioner Bernier seconded the motion and it was unanimously approved **(3-0)**.

-- Vice Chair Bellido made a motion to find No Legal Sufficiency and No Probable Cause to a complaint (**C 18-46-10**) filed against North Miami Beach Interim City Manager Esmond Scott for providing information about city utilities to a city commission candidate because nothing in the Ethics Code prohibits a government official or employee from providing public information upon request to any citizen and because the Ethics Commission cannot enforce state statute. The motion was seconded by Commissioner Bernier and unanimously approved **(3-0)**.

Vice Chair Bellido made a motion to approve the Advocate's request for a second extension of time to make a Probable Cause determination on (C 18-47-10). The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

Vice Chair Bellido made a motion to approve staff request for a second extension of time to make a Probable Cause determination on (C 18-48-10). The motion was seconded by Commissioner Bernier and unanimously approved (3-0).

XI. Adjournment

There being no further business, the meeting adjourned at 12:01 p.m.



Prepared by Rhonda Victor Sibilia, Communications Director