

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of May 15, 2018

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on May 15, 2018. Present were Chairman H. Jeffrey Cutler, Vice-Chairman Nelson Bellido, and Commissioners Judith Bernier, Lawrence Schwartz 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 Sibilila, Communications Director; Rachelle Ross, Executive Secretary; Sylvia Batista, Susannah Nesmith and Nilda Olmo, Investigators; Nico Nesenoff, Legal Intern; and members of the public. The meeting was called to order at 10:04 a.m. by Chairman Cutler. A quorum was present.

I. Approval of Minutes

Commissioner Zeiner made a motion to approve the minutes of the April 11, 2018, meeting. Commissioner Bernier seconded it and it was unanimously approved (5-0).

II. Public Comment

None.

III. Section Eight Requests

Staff Attorney Gilma Diaz-Greco had four requests from individuals wishing to contract under the federally-funded Section 8 program, and since neither they nor immediate family members are employed by the Miami-Dade Public Housing and Community Development Department, recommended approval. Vice-Chair Bellido made a motion to approve the recommendation. It was seconded by Commissioner Schwartz and unanimously approved (5-0).

IV. Housing requests

Staff Attorney Diaz-Greco presented the requests of three County employees 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. Commissioner Zeiner made a motion to approve the recommendation. It was seconded by Commissioner Schwartz and unanimously approved (5-0).

V. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from April 1-27, of which two - INQ 18-77 and INQ 18-91 -- were briefly discussed.

VI. Miami Beach Lobbyist Appeals

Staff Attorney Martha Perez presented the appeals of three individuals registered to lobby in the City of Miami Beach who failed to turn in expenditure and compensation forms as required. The following actions were taken:

- Commissioner Schwartz made a motion to approve the staff recommendation to waive the \$1,400 fine for Charles Citrin, who was represented by Allison Atterberry. It was seconded by Vice-Chair Bellido and unanimously approved (5-0).
- Vice Chair Bellido made a motion to approve the staff recommendation to waive the \$2,800 fine for Omelio Arrabal, who was present. It was seconded by Commissioner Schwartz and unanimously approved (5-0).
- Commissioner Schwartz made a motion to approve the staff recommendation to waive the \$2,700 fine for

Daniel J. Diaz Leyva, who was present. It was seconded by Commissioner Bernier and unanimously approved (3-0; Bellido and Zeiner recused).

VII. Executive Director's Report

--Executive Director Joseph Centorino presented a plaque to Ethics Commissioner Carol Zeiner, honoring her service on the board during the past year as the designee of the St. Thomas University School of Law. He also introduced University of Miami School of Law faculty member Jan Jacobowitz, who will be sworn in as the newest Ethics Commissioner next month.

--In an initial preview of next fiscal year's budget, Mr. Centorino noted a slight reduction from this year's spending, due mostly to savings in health care costs and with no impact to staff number or salaries.

--He invited Commissioners to the June 14th Municipal Attorney Luncheon featuring citizen activist Fane Lozman and Greenberg Traurig Attorney Kerri Barsh, discussing his First Amendment battle under consideration by the U.S. Supreme Court.

VIII. Complaints

The Ethics Commission convened in closed session at 10:35 a.m. Commissioners returned to open session at 10:59 a.m. and took the following actions:

-- Commissioner Schwartz made a motion to approve a settlement to a complaint (C 18-06-01) against Robert Binish, the Vice President of AvAirPros, who was accused of violating the Cone of Silence when he communicated with a former Aviation Manager who was serving on the selection committee to recommend a vendor for a contract to operate the baggage system at MIA, which then hired his firm as a subcontractor. Binish pled no contest to the allegation, paid \$500 of investigative costs and will accept a Letter of Instruction. Vice Chair Bellido seconded the motion and it was approved 4-1 (Zeiner voted no).

-- Commissioner Schwartz made a motion to approve the defense motion for continuance for C 18-08-01. It was seconded by Vice Chair Bellido and unanimously approved (5-0).

-- Commissioner Schwartz made a motion to find Probable Cause that AvAirPros Executive, Christopher Bradley violated the conflicting employment provision of the Ethics Code when he served on the same selection committee as noted in C 18-06-01. However, because Bradley's employment was disclosed to the County and neither the County's Procurement Division nor County Attorney's office recognized his conflict or objected to his participation on the selection panel, the motion included a dismissal of the complaint, C 18-10-02, with the issuance of a Letter of Instruction to document the conflict for future procurement matters. The motion was seconded by Commissioner Zeiner and approved 4-1 (Bellido voted no.)

-- Commissioner Schwartz made a motion to approve the staff request for an extension of time to make a probable cause determination for C 18-14-03. It was seconded by Vice-Chair Bellido and unanimously approved (5-0).

-- Vice Chair Bellido made a motion to approve the staff recommendation to withdraw C 18-15-01 because the allegation of unregistered lobbying was unfounded. Commissioner Schwartz seconded the motion and it was unanimously approved (5-0).

-- Commissioner Schwartz made a motion to find Not Legally Sufficient a complaint, C 18-16-03, against North Miami Police Chief Larry Juriga by the former Assistant Chief who alleged he was demoted in retaliation for "blowing the whistle" on improper conduct with the department and that Juriga violated the North Miami Honor Code ordinance. The Ethics Commission can only provide protection under the County Whistleblower Ordinance for Miami-Dade employees, and does not have legal authority to enforce the North Miami Honor Code for non-elected officials. Vice-Chair Bellido seconded the motion and it was unanimously approved (5-0).

-- Commissioner Schwartz made a motion to approve the defense motion for continuance of **C 18-17-04** to July. It was seconded by Vice Chair Bellido Commissioner Bernier and unanimously approved (**5-0**).

IX. Executive Director Selection

Following a staff tally of Ethics Commissioners' votes on qualified applicants for the position of Executive Director, the finalists were: Chief Assistant Miami-Dade State Attorney Jose Arrojo, Attorney Kathryn Estevez, former Ft. Lauderdale City Attorney Cynthia Everett, United Nations Director of Alliance of Civilizations Matthew Hodes, Senior Circuit Court Judge Judith Kreeger, Deputy Miami City Attorney Barnaby Min and Ethics Commission Advocate Michael Murawski.

Vice-Chair Bellido made a motion to spend up to 20 minutes each in telephone interviews of the finalists during the next Commission meeting, which was moved to June 20th. Commissioner Schwartz seconded the motion and it was unanimously approved (**5-0**).

X. Old Business

Advocate Michael Murawski confirmed a quorum of Ethics Commissioners would be present for the public hearing on **C 16-34** against North Miami Beach Councilman Frantz Pierre at 10 a.m. on Thursday, May 24, 2018.

XI. Adjournment

There being no further business, the meeting adjourned at 11:12 a.m.



Prepared by Rhonda Victor Sibilia, Communications Director