



## MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

### Summary of Minutes and Agenda Actions Meeting of November 14, 2018

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on November 14, 2018. Present were Chairman H. Jeffrey Cutler, Vice-Chairman Nelson Bellido and Commissioners Jan Jacobowitz and Lawrence Schwartz. Also present were Jose Arrojo, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Martha Perez, and Radia Turay, Staff Attorneys; Rhonda Victor Sibia, Communications Director; Rachelle Ross, Executive Secretary; and members of the public. The meeting was called to order at 10:00 a.m. by Chairman Cutler. A quorum was present.

#### **I. Presentation of Ethical Governance Day Teacher Award**

Leticia Figueroa, the Assistant Principal of Sunny Isles Beach K-8 introduced Rosa Alejandro, the Social Studies Department Chair and teacher of Geography, U.S. History, Civics and Law Studies to sixth through eighth grade students and expressed that she is well-deserving of the Ethics Commission's 2018 Ethical Governance Day Teacher Award. Ms. Alejandro told the COE that, "knowing that I'm doing something to empower my students is my greatest honor as a teacher," and each member of the COE expressed their admiration of her work. M-DCPS Socials Science administrators Bob Brazovsky and Jackie Viana also praised her selection and thanked the Ethics Commission for Ethical Governance Day. Chairman Cutler presented a plaque to Ms. Alejandro and several photos were taken.

#### **II. Approval of Minutes**

Commissioner Schwartz made a motion to approve the minutes of the October 10, 2018, meeting. Vice Chair Bellido seconded it and it was unanimously approved (4-0).

#### **III. Public Comment**

None.

#### **IV. Section Eight Requests**

Staff Attorney Gilma Diaz-Greco presented a request from three individuals wishing to contract under the federally-funded Section 8 program, and since neither they nor their immediate family members are employed by the Miami-Dade Public Housing and Community Development Department, recommended approval. Commissioner Schwartz made a motion to approve the recommendation with a correction to a scrivener's error. It was seconded by Vice Chair Bellido and unanimously approved (4-0).

#### **V. Housing requests**

Staff Attorney Diaz-Greco presented the requests of six 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 Schwartz and unanimously approved (4-0).

## **VI. Monthly Summary of Inquiries**

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from October 1- 30 and discussed one – INQ 18-232.

## **VII. Executive Director's Report**

--Executive Director Jose Arrojo previewed three reports which he expects to present to the Ethics Commission in the near future. They include: individuals involved procurement processes who should be registered as lobbyists; the automation of outside employment filing and a notice to all Miami-Dade County employees that they must report; and County contract lobbyists who are not complying with existing ordinances and resolutions to report their other clients and areas of representation. He also initiated a discussion on allowing departments or agencies who are the subject of COE studies to preview the findings and agreed they can be notified on the general nature of the investigation.

--Mr. Arrojo said he hoped in the coming year to occasionally schedule the monthly COE meetings at locations around Miami-Dade County to bring great awareness and participation.

-- He reported that he had met with the Deputy Mayor regarding the COE's move, who helped secure additional funding for the buildout.

-- Mr. Arrojo discussed plans for the State and County mandated training of elected officials and working jointly with the Miami-Dade League of Cities. The first training is scheduled for 11/29/18.

-- He invited COE members to the office Thanksgiving luncheon on 11/19 and the holiday luncheon at Toro Toro after the Dec. 13 COE meeting.

## **VIII. Complaints**

-- Advocate Michael Murawski presented a Final Notice for Frantz Pierre who has not paid the \$1,500 fine levied against him on May 24, 2018, for violating the Ethics Code as determined in C 16-34, and had no objection to a request from Pierre's attorney Benedict Kuehne asking to delay the discussion to December because of his participation in the election recount.

--Mr. Murawski presented the Final Order to C 18-39-10 as determined in an Expedited Hearing by Hearing Examiner Judge Victor Tobin on October 23, 2018.

--Mr. Murawski presented the Final Order to C 18-45-10 as determined in an Expedited Hearing by Hearing Examiner Judge Rosa Rodriguez on November 1, 2018.

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

-- Commissioner Schwartz made a motion to find No Probable Cause to a complaint (C 18-31-07) that Opa-locka City Attorney Vincent Brown and former City Manager Newall Daughtrey violated the Miami-Dade County Citizens' Bill of Rights by holding an emergency City Commission meeting without proper notice because there was insufficient evidence that the emergency meeting was not publicly noticed, and because the COE has no jurisdiction over alleged violations of Florida statutes and/or the Opa-locka Charter. The motion was seconded by Vice Chair Bellido and unanimously approved (4-0).

-- Commissioner Schwartz made a motion to approve the staff request for an extension of time to make a probable cause determination for **C 18-37-09**, **C 18-40-10** and **C 18-41-10**. The motion was seconded by Vice Chair Bellido and unanimously approved (**4-0**).

-- Commission Schwartz made a motion to find No Legal Sufficiency to a complaint (**C 18-42-10**) filed against North Miami Councilwoman Carol Keys that centered on a land use issue because the complainant was unable to allege specific actions by Keys that constituted an ethics violation. The motion was seconded by Vice Chair Bellido and unanimously approved (**4-0**).

-- Commissioner Schwartz made a motion to approve the respondent's request to continue consideration of **C 18-43-10** until the December meeting. Vice Chair Bellido seconded the motion and it was unanimously approved (**4-0**).

-- Vice Chair Bellido made a motion to find No Legal Sufficiency and dismiss a complaint (**C 18-44-10**) filed against David Templer, a candidate for North Miami Beach City Commission, for improperly using the city seal in his campaign literature because the Ethics Commission has no jurisdiction to enforce that section of the municipal code. The motion was seconded by Commissioner Jacobowitz and unanimously approved (**3-0; Schwartz recused**).

#### **IX. Old Business**

-- Advocate Michael Murawski requested approval to engage in pro bono work for the Guardian ad Litem program on an unpaid, volunteer basis to represent an 11-year-old child as an Attorney Ad Litem. Commissioner Schwartz made a motion to authorize the request. The motion was seconded by Vice Chair Bellido and unanimously approved (**4-0**).

#### **X. Adjournment**

There being no further business, the meeting adjourned at 11:08 a.m.



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Prepared by Rhonda Victor Sibilia, Communications Director