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Former County employee settles ethics charges; New report illustrates difference in political salaries

The Miami-Dade Commission on Ethics and Public Trust today approved a settlement to a complaint with a former procurement official in the Miami-Dade Aviation Department who does not deny soliciting a job with an outside company with which she interacted as a County employee and violating the “Cone of Silence” by communicating in ways that would assist that company during a bid process. According to the complaint (**C 17-34**), Debra Shore held the position of Aviation Senior Cost Manager and was a voting member of an evaluation and selection committee that was to recommend a vendor to operate and maintain the baggage system at Miami International Airport. While the Cone of Silence for that procurement process was in effect from October 2014 to May of 2015, she exchanged several emails with an employee of AvAirPros— a company that would serve as a subcontractor to the winning bidder – who recommended how she should score the different vendors. During the communications, Shore sent her resume in hopes of landing a job with AvAirPros, and, in fact, was offered one. She resigned from her Aviation position in April of 2015. As part of the settlement, Shore will not contest charges that she violated the “Exploitation of Official Position” provision of the Conflict of Interest and Code of Ethics Ordinance, the “Truth in Government” provision of the Citizens’ Bill of Rights, and Miami-Dade County’s Cone of Silence. Shore will pay a \$1,000 fine and accept a Public Reprimand.

“This is a serious violation – one that strikes at the integrity of the procurement process in Aviation,” said COE Executive Director Joseph Centorino. A legislative fix for this type of behavior has been initiated by the Ethics Commission. The COE has endorsed an amendment to the County Ethics code that would prohibit County and municipal employees who perform contract-related duties from seeking jobs with those outside vendors, while employed by the local government. If approved by the Board of County Commissioners, the new rule would expressly prohibit department personnel from soliciting, accepting or negotiating a job with agency contractors or vendors and would require them to immediately report any job offer to the department director. The proposal would also prohibit any government contractor or bidder from offering or suggesting an offer of a position to any public employee involved in contract work -- or to an immediate family member -- while the outside company has a current or prospective interest in a government contract. The rule would be included in all County and municipal contracts and subcontracts. Violations could result in revocation of the contract and other penalties.

Meanwhile, the COE approved a Public Reprimand for Carlos Rodriguez, the CEO of Driftwood Acquisitions and Development, who last month agreed to settle a complaint (**C 17-28**) that he violated Miami-Dade County’s “Cone of Silence.” Rodriguez admitted he contacted a deputy aviation 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.”

The COE approved a Letter of Instruction for North Bay Village Commissioner Eddie Lim who settled a Complaint (C 17-29) last month. It reminds him that the Conflict of Interest and Code of Ethics Ordinance prohibits elected officials from representing third parties, as he did for his condominium association before a Village Special Master. It also noted 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. The Letter acknowledged that Lim was incorrectly advised by the Village Attorney that he did not have a conflict and expressed hope that he and other elected officials will learn from this experience.

New Report finds broad pay disparity among Miami-Dade elected officials

The political leaders of Miami-Dade County and its 34 municipalities receive a wide range of compensation with no apparent relationship between the size of the government or the populations they serve. That's the finding of a new staff report presented to the Ethics Commission today, updating a similar report issued a decade ago. The extensive study, compiled and presented by Ethics Commission Investigator Susannah Nesmith, provides residents with a way to easily understand how the leaders who set the budget pay themselves, and how that compensation compares to other local municipalities. It includes a look at expense allowances, benefits and retirement contributions.

All Florida Counties except for Miami-Dade compensate their County Commissioners according to a state formula based on population, but it is up to each local municipality to set its own standards, and the report shows a wide pay scale. Several communities -- Indian Creek Village, Key Biscayne, Pinecrest, Bay Harbor Islands, Miami Shores and Surfside -- consider their elected officials volunteers who serve the community and receive no salary or a token compensation of \$1 per year. At the other end of the scale are communities like Hialeah Gardens, where the strong Mayor was paid an annual salary of \$115,648 last year and also received taxable fringe benefits of \$73,000. Tiny Medley, with a population of 1,100, pays its strong mayor an annual salary of \$187,152 while Council Members receive \$39,652 annually. In Florida's largest local government, Miami-Dade County, salaries of the Commissioners are set by charter at \$6,000 annually but they receive additional compensation as non-accountable allowances for \$55,100, which includes a cash allocation, an expense allowance, a pension contribution and a car allowance. Each commissioner also receives a County cell phone. The Mayor and Commissioners of West Miami are paid \$20 per meeting they attend, plus a small non-accountable expense allowance and city-funded cell phones.

While most local governments provide travel or expense accounts for which politicians must provide receipts, some "non-accountable" plans do not require officials to explain how the money is spent. The Ethics Commission compensation report of 2008 noted that such payments do not provide transparency and accountability for how public dollars are spent, or whether they are spent for a public purpose. After that report, North Miami reformed its use of non-accountable expense allowances and raised the salaries of the Mayor and Council Members. However, since then, the City Council added back the expense allowances, providing North Miami's Mayor and Council Members with what has amounted to a 284 percent raise over the past decade. Other local governments that provide non-accountable expenses include Miami-Dade County, Aventura, Florida City, Hialeah Gardens, North Miami Beach and Sunny Isles Beach. The report acknowledged that the difficulty of legislatively addressing appropriate salary increases due to charter restrictions, as in Miami-Dade County, has encouraged this practice.

In some local governments, the "strong mayor" is also the top administrator. Other municipalities have a professional manager. The report compares their salaries as well, ranging from a high of \$282,000 for the City Manager of Miami Beach to a low \$12,240 for the strong mayor of Virginia Gardens. A complete copy of the report is available upon request.

In other action today, the Ethics Commission determined, in response to a Request for Opinion (**RQO 18-01**) from an official of the County's Animal Services Department, that employees of that agency may *not* 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 COE Opinion recommends that such criteria be established to eliminate any perception of favoritism or an unfair advantage.

No Probable Cause was found 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. Pizzi charged Rey with failing to provide material information associated with the case, but the Ethics investigation found no proof that the manager knowingly furnished false information or omitted significant facts.

The COE found 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. At a Task Force meeting last May, Ressler expressed his displeasure with the Flagler Street project and criticized city administration. Alfonso, who was not present, wrote a memo highlighting the unprofessional decorum, stating that Ressler accused City staff of being corrupt and using profanity. While the Ethics Commission staff recommendation suggests Alfonso used poor judgement by writing about the meeting without reviewing a recording or transcript, staff found no proof that Alfonso knowingly furnished false information and the complaint was dismissed.

No Probable Cause was found to a complaint (**C 17-37**) filed by one-time and current candidate for South Miami Mayor Horace Feliu that accused current Mayor Philip Stoddard of committing fraud and violating the public trust by having the city pay legal fees for what Feliu refers to as a personal issue. The case stems from an unresolved lawsuit filed by former South Miami Police Chief Orlando Martinez de Castro, charging Stoddard with defaming him in a blog post. The Courts have not resolved the case, nor ruled whether the action stems from his personal action or his public persona. Since it was insurance carriers for both the city and Stoddard's home that 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, and the complaint was dismissed.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

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