



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of September 11, 2019

The Miami-Dade Commission on Ethics (COE) convened in the Miami Dade County Main Library, 1st Floor Auditorium, located at 101 West Flagler Street, Miami, Florida on September 11, 2019. Present were Chairman H. Jeffrey Cutler, Vice Chairman Nelson C. Bellido, and Commissioners Judith Bernier and Jan Jacobowitz. Also present were Jose Arrojo, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Martha Perez, and Radia Turay, Staff Attorneys; Machell Anderson, Executive Assistant; Leonardo Mendoza, Public Information Officer; Rachelle Ross, Commission Clerk; Investigator Nilda Olmo; and Outreach Director Robert Thompson; and members of the public. The meeting was called to order at 10:05 a.m. by Chairman Cutler. A quorum was present.

- I. A moment of quiet reflection was held in memory of the victims of the September 11th terrorist attack on NYC.
- II. Vice Chairman Nelson C. Bellido was recognized for his recent Miami-Dade County Public Schools leadership recognition award.

III. Approval of Minutes

Commissioner Bernier made a motion to approve the minutes of the August 14th, 2019, meeting. Commissioner Jacobowitz seconded it and it was unanimously approved (4-0).

IV. Public Comment

None.

V. Presentation of RQO 19-05, Section 2-11.1(k), Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Outside Employment Statement Documents

Gilma Diaz-Greco, Staff Attorney, presented RQO 19-05, relating to the proposed use of electronic signatures as compliant with the requirement of County Ethics Code Section 2-11.1(k)(2) that County employees file an annual Outside Employment Statement "under oath." A visual presentation of the electronic signature process was presented by County ITD staff member Regina Gilbert. Vice Chair Bellido made a motion to issue RQO 19-05. Commissioner Jacobowitz seconded it and it was unanimously approved (4-0).

VI. Section 8 Landlord Requests

Staff Attorney Diaz-Greco presented three requests by County/JHS Employees seeking to contract with the Miami-Dade Public Housing and Community Development Department under the federally funded Section 8 Program as landlords to low income residents. Vice Chair Bellido made a motion to agree with staff recommendation approving two requests and denying a third. Commissioner Bernier seconded the motion and it was unanimously approved (4-0).

VII. Public Housing and Community Development Housing Assistance Inquires

Staff Attorney Diaz-Greco presented the one School Board employee seeking assistance through a program overseen by the Miami-Dade Public Housing and Community Development Department. The School Board employee's request was not reviewed as she is not a covered party under the County Ethics Code. It was unanimously agreed that there was no jurisdiction to consider the request. (4-0).

VIII. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from August 1st – August 31st, 2019.

IX. Miami Beach Lobbyist Appeals

Staff Attorney Martha Diaz Perez presented an appeal from Andrew Suarez to waive the fine issued by Miami Beach for being 152 days late in filing required lobbyist expenditure and compensation reports. Vice Chair Bellido made a motion to agree with staff recommendation approving a reduction of the fine. The respondent was present and agreed to the recommended reduced fine amount. Commissioner Bernier seconded the motion and it was unanimously approved (4-0).

X. Executive Director's Report

Executive Director Jose Arrojo presented his report which included:

- Presentation of RQO 19-04, relating to the voting conflict prohibitions contained in Section 2-11.1(d) of the County Ethics Code applying to elected municipal and county officials. Mr. Arrojo introduced the proposed opinion, provided background and advised the COE that he would present the proposed opinion to the municipal attorneys Bar for comment and then return the matter for consideration at the October 2019 meeting. The COE heard a brief presentation from Robert Meyers of the Weiss Serota law firm regarding the proposed opinion.
- Comment on the first reading of the proposed COE budget for FY 19-20 before the Board of County Commissioners.

- Introduction of COE Legal Interns, Messrs. McNally and Tarpeh, from the University of Miami School of Law.

XI. Complaints

-- Advocate Murawski presented a recommended Letter of Instruction in complaint **(C 19-26-05)** regarding respondent Mayor Phillipe Bien-Aime. Chairman Cutler made a motion to issue the Letter of Instruction as presented. Commissioner Bernier seconded the motion and it was unanimously approved **(4-0)**.

-- Advocate Murawski presented the COE Response to Respondent's Motion to Dismiss Amended Complaint in complaint **(C 19-05-02)**. The Respondent, John Riley, *pro se*, presented in support of the Motion to Dismiss the Amended Complaint. Vice Chairman Bellido made a motion to deny the Motion to Dismiss Amended Complaint and to find Probable Cause. Commissioner Jacobowitz seconded the motion. It was unanimously approved **(4-0)**.

-- Staff Attorney Perez presented a recommendation to Dismiss for Lack of Probable Cause in complaint **(C 19-18-04)** filed by Sweetwater Mayor Orlando Lopez against Respondent Sweetwater Commissioner Marcos Villanueva. Vice Chair Bellido made a motion to accept the recommended finding of no probable cause and dismissal of the Complaint. Commissioner Bernier seconded the motion. It was unanimously approved **(4-0)**.

-- Advocate Murawski presented a recommendation to Dismiss for Lack of Probable Cause in complaint **(C 19-29-07)** filed by Frances Neuhut against Respondent Bay Harbor Islands Vice Mayor Joshua Fuller. Both the Complainant and the Respondent presented. Commissioners viewed a video recording of the alleged violation during open session of the Bay Harbor Islands council. Commissioner Jacobowitz made a motion to accept the recommended finding of no probable cause and dismissal of the Complaint with direction to staff to issue a letter of advice regarding citizens right to be heard under the County Citizens' Bill of Rights. Commissioner Bernier seconded the motion. It was approved **3-1** (Vice Chair Bellido opposed).

-- Advocate Murawski presented a Motion Requesting an Extension of time to Make Probable Cause Determination in complaint **(C19-30-08)**. The Respondent, in writing through counsel, had no objection to the request. Vice Chair Bellido made a motion to approve the motion requesting extension of time. Commissioner Jacobowitz seconded the motion. It was approved unanimously **(4-0)**

-- Advocate Murawski presented a Recommendation that a Complaint be Found Not Legally Sufficient and Dismissed in complaint **(C 19-31-08)**. Vice Chair Bellido made a motion to accept the recommendation that the complaint be found not legally sufficient and dismissed. Commissioner Jacobowitz seconded the motion. It was approved unanimously **(4-0)**.

XI. Old Business

None

XII. Adjournment

There being no further business, the meeting adjourned at 12:00:27 PM .

A handwritten signature in blue ink, appearing to be 'Rachel Ross', is written above a solid black horizontal line.

Prepared by Rachelle Ross, Commission Clerk