



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of November 13, 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 November 13, 2019. Present were Vice Chairman Nelson C. Bellido, and Commissioners Lawrence Schwartz, 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; Rachele Ross, Commission Clerk; Investigator Niida Olmo; Investigator Susannah Nesmith; Outreach Director Robert Thompson; and members of the public. The meeting was called to order at 10:00 a.m. by Vice Chairman Bellido. A quorum was present.

.. A moment of quiet reflection was held in memory of the late Jeffrey Cutler, Chairman of the Miami-Dade Commission on Ethics & Public Trust, who among many praises was remembered as an exceptional public servant.

II. Approval of Minutes

Commissioner Bernier made a motion to approve the minutes of the September 11, 2019, meeting. Commissioner Jacobowitz seconded it and it was unanimously approved (4-0).

III. Public Comment

Christopher Davis, who previously filed a complaint with the Ethics Commission (C 16-32), expressed his belief that the complaint he filed was handled unfairly.

Former State Representative Roy Hardemon expressed, how Ethics Commission staff does not help the public in terms of how to file a complaint.

IV. Presentation of RQO 19-04, Section 2-11.1(s), of the Ethics Code, Voting Conflicts

Executive Director Jose Arrojo presented RQO 19-04, relating to the "Bright-Line Rule" opinion regarding voting conflicts for elected City and County officials. After the Commission posed questions, it was decided that they would defer final action.

Presentation of RQO 19-06, Section 2-1529, of the Miami-Dade County Code of Ordinances; Article IV, Section 2, The Children's Trust Bylaws and The Children's Trust Conflict of Interest and Code of Ethics Policy

Staff Attorney Martha Perez presented RQO 19-06 recommending the repeal of a previous formal ethics opinion and acceptance of the more recent ethics opinions regarding the applicability of the entire County Ethics Code to The Children's Trust, its members, employees, lobbyists, vendors, and all persons acting on behalf of The Children's Trust. Commissioner Schwartz made a motion to agree with staff recommendation and issue RQO 19-06. Commissioner Bernier seconded the motion and it was unanimously approved **(4-0)**.

V. Section Eight Requests

Staff Attorney Gilma Diaz-Greco presented a request from three individuals in the month of October wishing to contract under the federally funded Section 8 program. In the case of two of those individuals, neither they nor any of their immediate family members are employed by the Miami-Dade Public Housing and Community Development Department, so Staff Attorney Diaz-Greco recommended they be approved. The third individual is an employee of the Miami-Dade County School Board and the County Ethics Code does not cover elected members or employees of the Miami-Dade Public School Board, it was determined that there is no jurisdiction on this matter. Commissioner Bernier moved to approve the recommendation. It was seconded by Commissioner Jacobowitz and unanimously approved **(4-0)**.

Staff Attorney Gilma Diaz-Greco then presented a request from one individual in the month of November wishing to contract under the federally funded Section 8 program. Neither he nor any of his immediate family members are employed by the Miami-Dade Public Housing and Community Development Department, so Staff Attorney Diaz-Greco recommended he be approved. Commissioner Bernier moved to approve the recommendation. It was seconded by Commissioner Schwartz and unanimously approved **(4-0)**.

VI. Public Housing and Community Development Housing Assistance Inquiries

Staff Attorney Diaz-Greco presented the request of three County employees in the month of October seeking assistance through a program overseen by the Miami-Dade Public Housing and Community Development Department and since neither they nor any of their immediate family members oversee or administer the programs, Staff Attorney Diaz-Greco recommended they be approved. Commissioner Schwartz made a motion to approve the recommendation. It was seconded by Commissioner Jacobowitz and unanimously approved **(4-0)**.

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VII. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from September 1st – October 31st, 2019 and discussed **INQ 19-96**.

VIII. Report on Inquiry: PI 18-38

Staff Attorney Radia Turay Presented a Report on Inquiry (**PI 18-38**) detailing an investigation into allegations of Miami-Dade Ethics Code violations by former State Representative Roy Hardemon and Dr. Mae Christian regarding their involvement with the Model City Community Advisory Committee (MDCAC), a committee required by the County's Citizen Participation Plan to advise of expenditure priorities in the neighborhood.

Ethics Commission prosecutors ultimately determined that their conduct did not warrant the filing of an ethics complaint because their meeting didn't meet quorum, so no official business was conducted. Nonetheless, despite not filing an ethics complaint, the Ethics Commission staff reported that behavior of Mr. Hardemon and Dr. Christian was indeed problematic

As a result, the Ethics Commission made several recommendations including deferring to other agencies as to whether the non-functional state of the MDCAC complies with the requirements of federal statutes requiring citizen participation plans as a prerequisite to obtaining HUD backed Community Development Block Grant Funds.

Mr. Roy Hardemon, Dr. Mae Christian, and Mr. Clarence Brown, Division Director at Miami-Dade Public Housing and Community Development, were present at the meeting and addressed the Ethics Commission.

IX. Complaints (In Open Session)

-- Advocate Michael Murawski presented a status conference for (**C 18-17-09**) and it was decided that the Commission will hear arguments regarding evidentiary issues at the next Ethics Commission meeting.

-- Advocate Murawski presented a motion to ratify a recommended Letter of Guidance to the Bay Harbor Islands Council in complaint (**C 19-29-07**). Bay Harbor Islands Assistant Town Attorney Mr. Frank Simone voiced objection to the issuance of the letter and it was decided that the matter will be deferred to the December Ethics Commission meeting where Mr. Simone will submit a detailed procedure on the right to be heard in public meetings.

-- Advocate Murawski presented a status in complaint (**C 19-05-02**) involving former Opa-Locka Mayor John Riley. The respondent has now retained counsel and the Advocate has provided Mr. Riley's counsel with discovery in the matter.

-- In Closed session

Staff Attorney Martha Perez presented a Motion to find Probable Cause in complaint (C 19-35-09) but with a Recommended Dismissal with a Letter of Instruction to Attorney Paul Schweip. Mr. Schweip was present at the hearing. In open session Commissioner Bernier made a motion to approve the Finding of Probable Cause with a Letter of Instruction. It was seconded by Commissioner Jacobowitz and unanimously approved (3-0).

At 12:25 PM Commissioner Schwartz excused himself from the meeting.

– Staff Attorney Perez presented a motion to Approve a Finding of No Legal Sufficiency in complaints (C 19-36-09) and (C 19-37-09). In open session Commissioner Jacobowitz made a motion to approve the findings of No Legal Sufficiency. It was seconded by Commissioner Bernier and unanimously approved (3-0).

-- Advocate Murawski presented a Motion to find Probable Cause in complaint (C 19-42-10). Commissioner Bellido recused himself from hearing this complaint and the matter will be addressed at the next Ethics Commission meeting.

– Advocate Murawski presented no objection to a Request for Continuance from the respondent's counsel on complaint (C 19-30-08). In open session Commissioner Bernier made a motion to approve the continuance. It was seconded by Commissioner Jacobowitz and unanimously approved (3-0).

– Advocate Murawski presented a Motion to find No Probable Cause in complaint (C 19-32-08) filed against the Trustee of the Miami Beach Employees' Retirement Plan. In open session Commissioner Jacobowitz made a motion to approve the Finding of No Probable Cause. It was seconded by Commissioner Bernier and unanimously approved (3-0).

– Staff Attorney Perez presented a Motion to find No Probable Cause in complaint (C 19-33-09) filed by Homestead City Council candidate William Rea against Councilmember Lawrence "Larry" Roth. The complaint alleged that Councilmember Mr. Roth violated the exploitation of official position section of the County Ethics code when he allegedly used the City of Homestead trademark logo and his City website photograph on what the complainant deemed campaign related material. In open session Commissioner Jacobowitz made a motion to approve the Finding of No Probable Cause. It was seconded by Commissioner Bernier and unanimously approved (3-0).

– Advocate Murawski presented a Motion for Continuance on complaint (C 19-34-09). In open session Commissioner Bernier made a motion to approve the Continuance. It was seconded by Commissioner Jacobowitz and unanimously approved (3-0).

– Advocate Murawski presented no objection to the dismissal of complaint (C 19-38-10) filed against City of Miami Commissioner Joe Carollo by Jim Riggs, President of Platinum Advisors. In open session Commissioner Bernier made a motion to withdraw the complaint. It was seconded by Commissioner Jacobowitz and unanimously approved (3-0).

-- Advocate Murawski presented a Motion for Continuance on complaints (C 19-39-10), (C 19-40-10), and (C 19-41-10). In open session Commissioner Jacobowitz made a motion to approve the continuances. It was seconded by Commissioner Bernier and unanimously approved (3-0).

-- Advocate Murawski presented two subpoena requests in (K 19-37).

XI. Executive Director's Report

-- Councilmember Jordan Leonard from Bay Harbor Islands spoke about the need to make more of an effort to create policies within the Ethics Commission that address the political motivation of complaints. Executive Arrojo stated that he had been working with Councilmember Leonard, the Ethics Chair, and legal staff to modify procedures so if any allegation of misconduct comes to the Ethics Commission that the Commission should afford the respondent ample opportunity to know what the allegations are and to provide the Respondent with an opportunity to make available a written submission to the Commission that becomes part of the public record.

-- Executive Director Jose Arrojo provided an update to the Commission as to the process to secure a General Counsel. Mr. Arrojo indicated there were 44 initial applicants but after screening out many due to lack of qualifications, the remaining candidates stand at 12. The Commission agreed that they will review the packets with the qualifications of the remaining 12 candidates and screen that number down to 4 candidates to be interviewed.

-- Mr. Arrojo presented the Commission with the opportunity to pick a Commission Chair and Vice Chair. The Commission decided to put this aside for the December agenda.

-- The Executive Director pointed out that he had been in contact with the League of Cities in regard to their appointment of a Commissioner to replace the late Chairman Jeffrey Cutler. Mr. Arrojo stated that the new Commissioner appointment is to be made by the President of the League of Cities and this position is currently in transition so the appointment may be delayed.

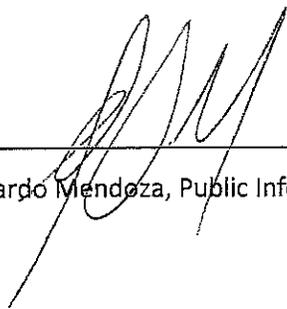
-- Mr. Arrojo pointed out that his one-year anniversary on the job was two months ago and his evaluation was overdue. He then provided the Commission with a self-evaluation and stated how he had accomplished a number of the goals he had sought to accomplish. Mr. Arrojo stated that should the Commission grant him a performance raise it should be on the lower end of the range available to them so that the Ethics Commission budget is not negatively impacted. Commissioner Bernier made a motion to issue the Executive Director a 4% raise. Commissioner Jacobowitz seconded the motion and unanimously approved (3-0).

XII. Old Business

None

XIII. Adjournment

There being no further business, the meeting adjourned at 12:50PM.



Prepared by Leonardo Mendoza, Public Information Officer