



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of August 14, 2019 (Final)

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 August 14, 2019. Present were Chairman H. Jeffrey Cutler, Vice Chairman Nelson C. Bellido, and Commissioners Judith Bernier, Jan Jacobowitz, and Lawrence A. Schwartz. Also present were Jose Arrojo, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Martha Perez, and Radia Turay, Staff Attorneys; Machell Anderson, Executive Assistant; Rachelle Ross, Commission Clerk; Investigators Nilda Olmo and Susanna Nesmith; and members of the public. The meeting was called to order at 10:06 a.m. by Chairman Cutler. A quorum was present.

I. Approval of Minutes

Commissioner Bernier made a motion to approve the minutes of the July 17, 2019, meeting. Commissioner Schwartz seconded it and it was unanimously approved (5-0).

II. Public Comment

None.

III. Presentation of RQO 19-03, Section 2-11.1(t), Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Cone of Silence

Martha Diaz Perez, Staff Attorney, presented the proposed RQO 19-03 relating to the County's Procurement Cone of Silence Procedures. After questions from the Commission, the proposed RQO 19-03 was adopted as a formal opinion by the Ethics Commission. (5-0)

IV. Section 8 Landlord Requests

No action was taken on this item as the requests were previously reviewed by the COE at the July 17, 2019 meeting.

V. Public Housing and Community Development Housing Assistance Inquires

Staff Attorney Diaz-Greco presented the requests of three County employees and 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.

As regards the County employees, since they nor any of their family members oversee or administer the program, Staff recommended they be approved. Vice Chair Bellido moved to approve the recommendation. It was seconded by Commissioner Schwartz and unanimously approved. **(5-0)**.

VI. Outside Employment Reporting Update & Grace Period Extension Resolution

No action was taken on this item as the Resolution was previously reviewed and approved by the COE at the July 17, 2019 meeting.

VII. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from July 1st – July 31st, 2019 and discussed **INQ 19-78**.

Executive Director Jose Arrojo joined Ms. Turay in the discussion of **INQ 19-74**.

VIII. Executive Director's Report

Executive Director Jose Arrojo presented his report which included:

- The introduction of newly hired COE Public Information and Community Outreach Specialist Leo Mendoza;
and
- Comment on the final, bound, proposed COE budget for FY 19-20 that will be presented for first and second reading to the Board of County Commissioners in September 2019.

IX. Complaints

-- Advocate Murawski presented the status of complaint **(C 18-17-04)** regarding respondent Michael Grieco, who was represented in the matter by counsel, B. Kuehne. Chairman Cutler agreed to facilitate a status conference on the matter.

-- Advocate Murawski presented a recommended Letter of Instruction to former Opa Locka City Attorney Vincent Brown in complaint **(C 19-14-04)**. Vice Chairman Bellido made a motion to approve the issuance of the Letter of Instruction. Commissioner Schwartz seconded the motion. It was unanimously approved **(5-0)**.

-- Staff Attorney Perez presented a recommendation to rescind the previously issued Letter of Instruction to David Mark Bruckner, who was represented in the matter by counsel, M. De Grandy, in complaint **(C 19-16-04)**. Commissioner Schwartz made a motion to approve rescinding the Letter of Instruction. Commissioner Jacobowitz seconded the motion. It was unanimously approved **(5-0)**.

-- Advocate Murawski presented a Motion to Find Probable Cause but with a Recommended Dismissal with a Letter of Instruction to Phillip Bien Aimee in complaint **(C 19-26-05)**. Vice Chairman Bellido made a motion to approve the

finding of Probable Cause with a Dismissal and the issuance of the Letter of Instruction. Commissioner Schwartz seconded the motion. It was unanimously approved **(5-0)**.

-- Advocate Murawski presented a Recommendation to Dismiss for Lack of Probable Cause in a complaint filed against respondent Joshua Fuller **(C 19-29-07)**. Vice Chairman Bellido requested the deferral of action on the matter to allow Commissioners to review videotape of a public meeting at issue in the matter. The matter will be addressed anew at the September COE meeting.

-- A hearing was held on the Respondent City of Hialeah's Verified Petition for Sanctions in re: the Complaint of Eric Johnson against Marbelys Fatjo **(C 18-47-10/K 18-59)**. The City of Hialeah was represented by counsel, A. Palenzuela, and the respondent Eric Johnson, *pro se*. After taking testimony from witnesses, reviewing documents, and hearing the argument of counsel and the *pro se* respondent in the Petition, Vice Chairman Bellido made a motion to find that the Complaint was not frivolous or groundless and deny the Petition. Commissioner Schwartz seconded the motion. It was unanimously approved **(5-0)**.

XI. Old Business

None

XII. Adjournment

There being no further business, the meeting adjourned at .

Prepared by Rachelle Ross, Commission Clerk