



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of July 17, 2019

The Miami-Dade Commission on Ethics (COE) convened in the City of Miami Commission Chambers 3500 Pan American Drive, Miami on July 17, 2019. Present were Chairman H. Jeffrey Cutler and Commissioners Judith Bernier & Lawrence A. Schwartz. Also present were Jose Arrojo, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, and Radia Turay, Staff Attorney; Machell Anderson, Executive Assistant; Rachelle Ross, Commission Clerk 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 Schwartz made a motion to approve the minutes of the June 12, 2019, meeting. Commissioner Bernier seconded it and it was unanimously approved **(3-0)**.

II. Public Comment

None.

III. Public Housing and Community Development Housing Assistance Inquires

Staff Attorney Gilma Diaz-Greco presented a request from three individuals wishing to contract under the federally-funded Section 8 program, and since neither individual nor immediate family members are employed by the Miami-Dade Public Housing and Community Development Department, approval was recommended. Commissioner Schwartz moved to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved **(3-0)**.

Staff Attorney Diaz-Greco presented the requests of four County employees seeking assistance through a program overseen by the Miami-Dade Public Housing and Community Development Department, and since they nor any of their family members oversee or administer the program, recommended they be approved. Commissioner Schwartz moved to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved **(3-0)**.

IV. Outside Employment Reporting Update & Grace Period Extension Resolution

Staff Attorney Diaz-Greco presented the Commission on Ethics the Resolution extending the grace period for County employees to disclose previously unreported outside employment which extends the 90 day grace period previously granted by the Commission and suspending enforcement proceedings during the grace period.

Commissioner Schwartz moved to adopt the resolution. It was seconded by Commissioner Bernier and unanimously approved **(3-0)**.

V. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from June 1st – June 30, 2019 and discussed **INQ 19-66**.

VI. Miami Beach Lobbyist Appeals

Michael Murawski presented the Miami Beach Lobbyist appeals on behalf of Staff Attorney Martha Perez. Ms. Perez was in attendance at the BCC Commission meeting on behalf of the Executive Director regarding two matters the commission had on BCC agenda.

Two lobbyist appeals were heard by the Commission:

1) Conrad Martin was required to file his expenditure form by 2/28/19. He was 450 days late and accrued a fine in the amount of \$22,500. Mr. Martin registered for a single appearance in 2017 for new resident Shane Thomson. Mr. Martin's primary residence is in South Africa. He obtained an attorney in Miami Beach to handle this matter. Since Mr. Martin has no prior history with the Commission Ms. Perez, Staff Attorney recommended a waiver in this case. Commissioner Schwartz made a motion to waive the fine in the amount of \$22,500 for Conrad Martin. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.

2) Brian No, employed by Skinny Labs d/b/a Spin. Mr. No was required to file his expenditure form by 2/28/19. Mr. No filed his expenditure report 69 days late on 5/8/19 and was fined a sum of \$3,450 by the City. Joel Aurora is counsel to Spin and also representing Mr. No in this matter. Mr. Aurora explained that due to significant office relocation the company and Mr. No did not receive the notices. Mr. No has no prior history with the Commission. Ms. Perez, Staff Attorney recommended a waiver in this case. Commissioner Schwartz made a motion to waive the fine in the amount of \$3,450 for Brian No. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.

VII. Executive Director's Report

-- Executive Director Jose Arrojo requested his report be deferred to the end of the meeting agenda to allow parties in attendance for complaints to have their items heard.

VII. Complaints

- Advocate Murawski presented a proposed Letter of Instruction for Dawn Meyers, Esq. respondent, who last month settled complaint **(C 19-20-04)** for an unregistered lobbying violation. Commissioner Schwartz made a motion to accept the Letter of Instruction. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.

- Advocate Murawski presented a Motion to Dismiss for complaint **(C 18-08-01)**. The Commission heard argument by Advocate Murawski and Attorney for Respondent Mayor Phillip Stoddard, B. Kuehne. Commissioner Schwartz made a motion to dismiss with prejudice. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.

- Assistant City Attorney Xavier E. Alban, of the Miami City Attorney's Office presented a Motion to Dismiss with prejudice for complaint **(C18-48-10)**. Commissioner Schwartz made a motion to dismiss with prejudice. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.

- Advocate Murawski advised that complaint **(C 19-05-02)** was scheduled for a probable cause determination and to hear Respondent's Motion to Dismiss. Respondent requested a continuance of the matter so that his attorney could attend. Commissioner Schwartz made a motion to continue the matter. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.

- Advocate Murawski presented a Recommendation to Dismiss for Lack of Probable complaint **(C 19-11-03)**. The Commission heard argument by Advocate Murawski. Commissioner Schwartz made a motion to dismiss. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.

- Advocate Murawski presented a Recommendation to Dismiss for Lack of Probable Cause and the Issuance of a Letter of Instruction in complaint **(C 19-14-04)**. The Commission heard argument by Advocate Murawski. Commissioner Schwartz made a motion to dismiss and the Issuance of a Letter of Instruction to Respondent Vincent Brown. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.

- Advocate Murawski presented a Recommendation to Dismiss for Lack of Probable Cause for complaint **(C 19-15-04)**. The Commission heard argument by Advocate Murawski. Commissioner Schwartz made a motion to dismiss. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.

- Advocate Murawski presented a Recommendation to Find Probable Cause but to dismiss it with Letter of Instruction **(C 19-16-04)**. The Commission heard argument by Advocate Murawski and by Attorney for Respondent

David Buckner, M. de Grandy. Commissioner Schwartz made a motion to dismiss. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.

-- Advocate Murawski presented a Motion for Extension of Time for case **(C 19-18-04)**. Commissioner Schwartz made a motion to grant extension of time. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.

-- Advocate Murawski presented a Recommendation to Dismiss for Lack of Probable Cause for complaint **(C 19-21-05)**. The Commission heard argument by Advocate Murawski and respondent, the Honorable Marsha Matson. Commissioner Schwartz made a motion to dismiss with prejudice. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.

-- Advocate Murawski presented a Recommendation to Dismiss for Lack of Probable Cause for complaint **(C 19-24-05)**. The Commission heard argument by Advocate Murawski and respondent, the Honorable Marsha Matson. Commissioner Schwartz made a motion to dismiss with prejudice. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.

-- Advocate Murawski presented a Recommendation to Dismiss for Lack of Probable Cause for complaint **(C 19-28-06)**. The Commission heard argument by Advocate Murawski. Commissioner Schwartz made a motion to dismiss. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.

VIII. Executive Director's Report

Executive Director, Jose Arrojo reported on the following items:

- **Advertisement for General Counsel Position:** Mr. Arrojo updated the Commissioners on the proposed General Counsel position for FY 19-20 and sought guidance regarding the recruitment and selection process.
- Mr. Arrojo presented the recommendation for the Advocate's Annual Performance Evaluation. Commissioner Schwartz made a motion to approve the Advocate's Performance Evaluation and a Merit Increase of 4.3%. Commissioner Bernier seconded the motion. It was unanimously approved **(3-0)**.
- **Reminder; Attorney Training Luncheon:** Mr. Arrojo provided information regarding an upcoming Attorney CLE luncheon regarding a previously issued Municipal Counsel RQO, in partnership with the Miami Dade County League of Cities.

XI. Old Business

None

XII. Adjournment

There being no further business, the meeting adjourned at 11:38 a.m.

Prepared by Rachelle Ross, Commission Clerk