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County Commissioner issued Letter of Instruction

The Miami-Dade Commission on Ethics & Public Trust (COE) today approved a Letter of Instruction for County Commissioner Xavier Suarez, after finding Probable Cause last month that he violated the Conflict of Interest and Code of Ethics Ordinance when he filed a lawsuit in August on behalf of three plaintiffs against Mayor Carlos Gimenez and the County alleging misuse of the half-penny transit tax. Because Commissioner Suarez immediately removed himself as attorney of record upon learning about the prohibition against County officials representing third parties taking legal action against their government, the Ethics Commission dismissed the complaint (**C 18-43-10**). The Letter spells out the prohibition and encourages Commissioner Suarez to contact the Ethics Commission whenever clarification is needed on the applicability of the Ethics Code.

Probable Cause was found to a complaint (**C 18-53-12**) that an executive of a company seeking to continue providing shuttle service at Miami International Airport violated the County's "Cone of Silence" complaining about a recommendation to give the contract to a competitor. Rick Dunning, a Senior Vice President of "First Transit," emailed an Aviation Department official with a lengthy critique of the selection panel's decision while the Cone of Silence was still in effect and did not copy the Clerk of the Board on the correspondence, as required. However, while his company's contract was in place, Dunning regularly communicated with the Aviation Department. The investigation determined that the violation was inadvertent, and Dunning did not realize that the Cone of Silence was still in effect after the selection committee's recommendation, so the COE dismissed the complaint and will issue a Letter of Instruction.

A complaint (**C 18-49-11**) filed against three members of the Miami Beach Historic Preservation Board, a quasi-judicial board, who are also members of the private, non-profit Miami Design Preservation League, was dismissed as Not Legally Sufficient. Randall Hillard accused Jack Finglass, Nancy Liebman and Kirk Paskal with discussing city board business during the League meetings and with property owners without giving public notice. Those allegations fall under Florida's Sunshine Law, which is a state statute and not within the Ethics Commission's jurisdiction.

A complaint (**C 18-52-12**) filed by a member of the Goulds Community Action and Human Services Advisory Board against a Miami-Dade County employee who provides administrative support to the board was dismissed as Not Legally Sufficient. Phillip Murray alleged that Alton Sears and certain board members conspired to slander and defame him by initiating a recall petition against him. Because appropriate procedures are being followed to bring the recall question before the Board, there is no ethics violation.

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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