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Ethics Commission supports whistleblower protection in the municipalities

The Miami-Dade Commission on Ethics and Public Trust (COE) today affirmed support for a proposal approved on first reading by the Board of County Commissioners yesterday that requires all municipalities in the County to enact employee protection ordinances by October 1, 2020. The goal is to protect municipal workers who disclose wrongdoing in their cities from retaliation on the job. The Ethics Commission and Office of Inspector General (OIG) may provide technical support to cities seeking assistance developing processes or procedures for handling complaints of adverse personnel action following reports of wrong-doing. The proposed ordinance also enables municipal employees who are not satisfied by their city's process to file a complaint of retaliation for the Ethics Commission to investigate and empowers the OIG to track and oversee municipal compliance with the ordinance.

Ethics Commissioners learned that a new online system for Miami-Dade County employees to obtain permission to engage in outside employment was launched last month with the goal of achieving greater compliance with existing rules. While employees are being educated about the system, the Ethics Commission has granted a grace period (through July 10th, 2019) for County employees to report previously undisclosed outside work.

Also today, the COE settled a complaint that a sales manager for Bell Helicopter Textron, Inc., violated the Cone of Silence when he emailed County officials while his company was under consideration to provide helicopters to the Fire Rescue Department in 2017. Bill Hein agreed to pay \$500 in investigative costs and accept a Letter of Instruction in exchange for dismissal of the complaint. Others were charged in the complaint (**C 17-36**) that was filed by competitor Agusta Westland, a subsidiary of Leonardo Helicopters, which was cited and settled a similar complaint (**C 16-31**) earlier this year. But the Ethics Commission found No Probable Cause regarding Jonathan Castorena, Marlo Cruz, Andrea Gibbs, Anthony Moreland, Veronica Rojas and Chris Williams because they were merely copied on correspondence or communicated with County staff on matters of "process or procedure," which are exempt from Cone of Silence restrictions. And, allegations against Bell Helicopter were dismissed because the COE cannot charge an entity with an ethics violation, only individuals.

The Ethics Commission approved a Letter of Instruction for El Portal Mayor Claudia Cubillos, who last month settled a complaint (**C 19-06-02**) of exploiting her official position when she asked a Village Code Enforcement Officer to use his personal pickup truck to move a donated piano to her private day care center. The Letter notes that "a request to 'do a favor' for the mayor is inherently coercive," and an average employee would "feel uncomfortable refusing to do so, especially in a small municipality like El Portal." It reminds Mayor Cubillos and others that it is important to keep private,

personal business separate from government activity to avoid any appearance of impropriety that shakes the public's confidence. In addition to accepting the Letter of Instruction, Mayor Cubillos also paid \$500 in investigative costs.

In a status report on complaint **C 18-08-01**, Cody v. Stoddard, the Ethics Commission approved a request for subpoenas by counsel for South Miami Mayor Phil Stoddard to obtain records from complainant Stephen Cody and his political committee, "A Better Miami-Dade, Inc."

A complaint filed by Sweetwater Mayor Orlando Lopez against City Commissioner Marcos Villanueva for helping former Mayor and current mayoral candidate Jose Diaz obtain public records was found Not Legally Sufficient. Mayor Lopez complained that the Commissioner violated the Fair Campaign Practices Ordinance, but since Villanueva is not a candidate for office, that law is not applicable to him, so the complaint (**C 19-19-04**) was dismissed.

A complaint (**C 19-13-04**) filed against the Director of the Miami Beach Building Department accusing her of discrimination for issuing code violations was found Not Legally Sufficient. There are no indications that Ana Salgueiro violated any part of the Ethics Code, and because allegations of discrimination are not under the COE jurisdiction, the complaint was dismissed.

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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