

EYE ON ETHICS

NEWSLETTER OF THE MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST



Issue 3 - November 2019



Commission on Ethics & Public Trust by the Numbers:

Lobbyist training was greatly expanded this past fiscal year to reach over 1,000 newly registered lobbyists resulting from formal ethics opinion guidance and enforcement.

Director's Message



Dear Friends & Colleagues,

Last month, Ethics Commission staff presented its investigative report regarding the activities of two Model City Community Advisory Committee members and their alleged conflict of interest in seeking to steer public funds to their own non-profit. The report was presented at a public meeting of Ethics Commission and the subjects of the investigation, a County housing department official, and members of the community provided testimony before the Commissioners in response to the findings.

The alleged conduct of the two Committee members was itself troubling but when our investigators looked into their activities, we discovered a much greater issue relating to the County's management of a committee that is tasked with advocating the housing and development needs of central Miami-Dade's Model City residents.

Community Advisory Committees are tasked with advising County staff on priorities in the neighborhoods that they cover and may request that certain projects or organizations be funded. The committees are part of the County's Citizen Participation Plan, which is itself required by the U.S. Department of Housing and Urban Development, pursuant to federal statutes. The existence of these Committees is a predicate to the County being able to apply for and receive Community Development Block Grant funds.

Our investigation involved multiple interviews of County housing department staff and Model City Community Advisory Committee members. The investigation revealed that the Model City Community Advisory Committee, which is under the auspices of the County's Public Housing and Community Development Department is, in a word, *defunct*, and has been in this state for several years. The Committee did not even have enough members to meet quorum requirements for several years but nevertheless continued to meet.

Regrettably, the citizens of Model City were deprived of a functioning Community Advisory Committee that could have been fully engaged in the consideration of their housing and development needs and the communication of those needs to County housing officials.

The results of our investigation were forwarded to the federal Housing and Urban Development Inspector General as well as the County's Inspector General and its Public Housing and Community Development Department. Elected officials whose jurisdiction includes Model City were also provided with our investigative report.

A copy of our report is available by **clicking here**. Also, local reporting on the findings is available by clicking on the Ethics Commission in the News section of this newsletter.

Again, we continue to shine a light into the crevices of local governance, to investigate and sanction those who violate the Ethics Code, and provide objective factual reports to elected officials, policy makers, private parties and members of the public so they can act within their own authority to amplify the impact of our work.

Best regards,
Jose Arrojo

Quick Links



Commissioners
Nelson C. Bellido Esq.,
Vice Chair
Dr. Judith Bernier
Judge Lawrence A.
Schwartz
Jan Jacobowitz, Esq.

Executive Director
Jose J. Arrojo, Esq.

Advocate
Michael P. Murawski, Esq.



FAQ



Annual Reminder of Limitations on Political Activities



This annual reminder serves the purpose of underscoring limitations on the political activities of all county and municipal officers and employees during the current and upcoming election season.

The following limitations are imposed by Florida Statute 104.31, by the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, and other state laws, local ordinances and previously-issued administrative orders:

- While all local officials and employees have a right to engage in political campaign activities, they must not use their official authority to influence another person's vote or to affect

the outcome of an election.

- County and municipal staff wishing to be involved in political campaigns should limit such activity to off-duty hours.
- Political campaign activities may not involve the use of public resources in support of any political campaign or candidate, including office stationery, telephones, computers, or vehicles. Taxpayers' monies must be used exclusively for public purposes.
- No public official or employee may coerce anyone to support any candidate or to contribute to a political campaign.
- No one may solicit or accept a political contribution in a government building, unless that building has been rented for the purpose of holding a campaign fund raiser.
- Violations of these provisions may result in criminal charges, civil ethics or election violations, and/or administrative actions.

The prohibition against on-duty political activity does not prohibit casual political discussions in the workplace. Voluntary non-coercive speech of a political nature, like other non-work-related discussions on matters of public interest, is protected by the First Amendment provided that it does not interfere with the proper functioning of the workplace and the efficient provision of public services.

Any public employee having knowledge of any violations of these prohibitions, or of any other illegal or improper activities in connection with the elections, should report these matters at once.

November 2019 Ethics - Commission Meeting Actions



The Miami-Dade County Commission on Ethics and Public Trust took the following actions at its monthly public meeting held on November 13, 2019.

Ethics Commission Approves Opinion Regarding the County Ethics Code Applicability to The Children's Trust Members and Others Associated with the Trust

RQO 19-06: The Ethics Commission adopted the ethics staff recommendation to repeal a previous formal ethics opinion and accept 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.

Ethics Commission Defers on "Bright-Line Rule" Opinion Regarding Voting Conflicts for Elected City and County Officials Until December Ethics Commission Meeting

RQO 19-04: The Ethics Commission deferred until the next Ethics Commission meeting on a formal ethics opinion that specifies that the voting conflict section of the County Ethics Code imposes a per se or automatic prohibition on an elected official's vote or participation on a matter if he or she holds a primary position with an entity that might be directly or indirectly affected by vote or action of the elected body. This holds true unless the affected entity is another governmental agency, or the vote is on an overall budget containing a small allocation to the affected entity.

Letter of Instruction Issued to Attorney Paul Schwiep

C19-35-09: Attorney Paul Schwiep stipulated to a finding of Probable Cause for engaging in unregistered lobbying, but the complaint was dismissed with the agreement that Schwiep would accept a Letter of Instruction. Mr. Schwiep was present at the meeting.

Ethics Commission to Hear Arguments Regarding Evidentiary Issues in Case Involving State Representative Michael Grieco at the December Ethics Commission Meeting

C18-17-04: The Ethics Commission held a status conference in the case involving State Representative Michael Grieco and it was decided that the Commission will hear arguments regarding evidentiary issues at the next Ethics Commission meeting to be held in December.

Complaint Filed Against City of Miami Commissioner Joe Carollo is Dismissed

C19-38-10: The Ethics Commission voted to permit the dismissal of a complaint filed against City of Miami Commissioner Joe Carollo by Jim Riggs, President of Platinum Advisors. The original complaint filed alleged that Mr. Carollo, who was originally hired by Platinum Advisors to assist them in a search for a site to develop an observation Ferris wheel as a tourist attraction in Downtown Miami, engaged in official conduct that was detrimental to Platinum Advisors after Mr. Carollo's contractual relationship with Platinum Advisors had ended. According to Riggs, Platinum is now pursuing a legal remedy against Mr. Carollo in a court of law.

Ethics Commission Finds no Probable Cause in Complaint Filed by Homestead City Council candidate William Rea against Councilmember Lawrence "Larry" Roth

C19-33-09: The Ethics Commission found there was No Probable Cause to sustain a complaint 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.

Commissioner Profile: Dr. Judith Bernier



Dr. Judith Bernier knows where hard work and perseverance can get you, having worked 20 years in retail management, transitioning to academia, and serving on the Commission on Ethics and Public Trust. "I juggled school and work during my close to 20 years in retail management," says Commissioner Bernier. "During this time, I held various local and regional positions while pursuing my Master's and Doctoral degrees. "These achievements and experiences led me to a job as Associate Academic Director of the Florida International University (FIU) Labor Center in 2012, and ultimately to the Ethics Commission in 2014."

Commissioner Bernier believes her human resource management experience, and knowledge of workplace dynamics and conflict management helped in her transition and ability to serve on the Ethics Commission. "Much like in human resources, the Ethics Commission serves as an outlet for people to gain knowledge to make informed decisions," says Commissioner Bernier. "Furthermore, I find it very rewarding to serve in the capacity of reviewing and revising policies and ordinances to maintain transparency and promote public trust."

Beyond her obvious determination that has led to her many achievements, Dr. Bernier credits her parents as great role models. She credits her parents for working tirelessly to provide for the family and relocating the family from St. Kitts to Miami in 1986 to access the many opportunities in America. "My parents influenced me a great deal growing up, they instilled in us the importance of education and hard work, they wanted the best for their children."

Commissioner Bernier currently serves as the Director of the Center for Labor Research and Studies at FIU where the mission is to develop and raise awareness about the changing nature of work and workplace diversity. As a faculty member, Dr. Bernier teaches courses in labor relations and employment, global diversity, conflict resolution and mediation techniques, and vocational education. "As Director of the Labor Center at FIU, I feel my contribution to the commission lies more on my expertise in workplace and labor ethics, issues and conflicts," says Commissioner Bernier. I am continuously learning about the public, the commission's serves, to best fulfil my role and uphold the public's trust. It is truly an honor to be part of the Ethics Commission."



To read the article click on the link below:

Ethics board looks into "ghost" group

**THE MIAMI TIMES,
November 20, 2019**



Miami-Dade Commission on Ethics and Public Trust Director Jose Arrojo recently appeared on Haitian Radio Station WLQY 1320AM in an afternoon program hosted by Mr. Frantz Laurent.

The program served to inform the South Florida Haitian Community of the important role that the Ethics Commission plays in bolstering public trust in the administration of government.

"Recent immigrants oftentimes distrust the criminal justice system and government officials because public institutions in some of their former countries were often inadequate, corrupt, and worthy of distrust," said Director Arrojo. "It is my role as Director, to inform and educate those in Miami-Dade communities where confidence in local government may be at greater risk because of existing distrust."

Educating the Community / Upcoming Events

Miami-Dade Lobbyist Training: Anyone who registers as a lobbyist for Miami-Dade County, Miami and certain other municipalities must undergo training provided by the Ethics Commission. You must create an account with the Ethics Commission, then sign up for a class and pay by credit card IN ADVANCE through this [system](#).

Lobbyist Refresher Course: Lobbyists who have completed the initial Ethics Course and have continuously registered as a lobbyist thereafter shall be required to complete a refresher Ethics Course every two years to meet requirements of Miami-Dade County and the City of Miami. Date of completion



of most recent lobbyist ethics training course (original or refresher) is required. You must create an account with the Ethics Commission, then sign up for a class and pay IN ADVANCE on this [system](#).

Advisory Board Training: This training will be held on the third Wednesday of each month. Classes will alternate between 8-9:30 a.m. and 12-1:30 p.m. every other month. You must register before attending the class.

Elected Officials Training in Miami (with Miami Dade County League of Cities): This four-hour state mandated course will be held at the Miami Gardens Council Chambers Miami from 9AM - 2PM. The training will cover the Sunshine Law, Public Records, the State Code of Ethics Statute, and Article II, Section 8 of the Florida Constitution. For more information regarding this training session contact the Miami-Dade League of Cities at 305-416-4155.



Did You Know?

Miami-Dade County's Whistleblower Ordinance protects County employees who know of fraud, waste, abuse, misconduct or illegal activity in County government and have the courage to report it.

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Ethics & Public Trust
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