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Letters of Instruction provide direction

Following last month's opinion (**RQO 13-08**) advising Doral Mayor Luigi Boria to refrain from voting on or participating in any official matters involving a private developer in the West Miami-Dade municipality because of the mayor's business relationships with the owner, the Miami-Dade Commission on Ethics and Public Trust today approved a Letter of Instruction to City Manager Joe Carollo. To avoid any appearance of impropriety, the Manager was instructed to direct Doral city staff to perform their duties responsibly, honestly and fairly when taking official actions, such as permitting and inspections, related to the firm, "The Grand Floridian," and its planned development.

The Commission on Ethics (COE) approved a Letter of Instruction to Miami Beach City Commissioner Edward Tobin concerning his role in last year's selection of a new police chief. In August, the COE determined that Commissioner Tobin did not exploit his official position as alleged in **C 13-03**, but agreed that advice for the future was warranted. The Letter notes that in a commissioner-manager form of government, as defined in the Miami Beach Charter, the City Manager is responsible for day-to-day operations, including the hiring and firing of personnel. The COE issued the Letter to remind Commissioner Tobin that the City Charter clearly delineates the distinct duties and responsibilities of elected officials and the manager. The Letter also suggests that the City adopt an ordinance clearly establishing parameters of the legislative role in the appointment process with remedies for violations and educate all elected officials on their appropriate roles.

In a different Miami Beach case, the Ethics Commission approved a Letter of Instruction to City Commissioner Jonah Wolfson and his legislative aide, Leonor Hernandez. It stemmed from a complaint (**C 13-16**) filed by a constituent who made three unsuccessful requests to obtain an e-mail address list used to distribute a newsletter several years ago. The complaint was dismissed after the COE was informed that Wolfson had instructed his staff to work with Miami Beach's technology department to fulfill the records request. The Letter reminds the recipients and all public servants of their duties under the Miami-Dade County Citizen's Bill of Rights, including being helpful and providing accurate information in a timely manner.

Another Letter of Instruction was approved for attorney Stuart Sobel as part of a settlement order approved last month, in which he did not contest the complaint (**C 13-19**) that he failed to register as a lobbyist before contacting several County officials on behalf of a company seeking a contract for People Mover operations at Miami International Airport. The Letter emphasizes the County's legal definition of a lobbyist and advises Sobel -- and all lawyer-lobbyists -- to carefully evaluate their behavior and to register, as required, when planning actions intended to influence decision-making by government officials.

A complaint (**C 13-22**) filed by Marie Soeurette Eloi, a former appointee to the Miami-Dade Commission for Women against the then-chairperson, Michelle Dunaj Lucking, for violating the Board's bylaws, was determined Not Legally Sufficient and dismissed. The COE does not have enforcement jurisdiction over advisory board by-laws.

A complaint (**C 13-24**) filed by activist Al Crespo against officials in the City of Miami – including the manager, city commissioners and the police chief – for violating the City Charter by allowing elected officials to communicate directly with a department head, rather than through the manager, was determined as Not Legally Sufficient because the COE does not have jurisdiction over the Miami Charter. No action was taken on another complaint (**C 13-25**) filed by Mr. Crespo against members of the Ethics Commission for allegedly violating Florida's Sunshine Law. Instead, it will be turned over to the Miami-Dade State Attorney by the Commission Advocate.

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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