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Miami Heat tickets score an ethics complaint

The Miami-Dade Commission on Ethics and Public Trust (COE) agreed on August 8, 2013, to accept a settlement agreement with two political leaders in North Bay Village who failed to report a gift after attending a Miami Heat game last December. Vice-Mayor Eddie Lim and Commissioner Jorge Gonzalez were the guests of a friend of Commissioner Gonzalez. They should have filed gift disclosure forms by the end of March for the tickets that were valued between \$110-140 each. As part of the settlement to the complaints (**C 13-13** and **C 13-14**), Lim and Gonzalez agreed to file gift disclosure forms, pay \$100 each in investigative costs and accept Letters of Instruction.

The COE also approved a settlement agreement with two lobbyists accused of violating an ordinance in Cutler Bay requiring them to disclose all officials they contacted prior to a public hearing over a proposed shopping center in the town. The complaint (**C 13-02**) was filed against Jose Luis Castillo and Juan Mayol, who registered as lobbyists, but failed to disclose in writing all contacts, which were reported by one council member. Since the complaint was first filed and subsequent hearings were held on the development, Castillo and Mayol have submitted written disclosures of their lobbying activities and have complied with the ordinance. As part of a settlement, the two will not contest the charges, agreed to accept a Letter of Instruction and each pay a fine of \$250.

The Ethics Commission declined to exercise jurisdiction in another complaint (**C 13-12**) in Cutler Bay filed by Mayor Ed MacDougall against a lobbyist for the town, Fausto Gomez, whom he accused of violating that town's Charter by making a campaign contribution to a council member and not reporting it. Gomez is also a director and secretary in the firm, Educational Management Services, Inc. (EMS), which is 95% owned and operated by his wife. EMS contributed \$500 to the reelection campaign of Cutler Bay Vice-mayor Ernie Sochin. The Commission's decision to decline jurisdiction was based on the fact that the city council also had jurisdiction to act on the complaint, but when the issue came up at a recent council meeting, decided to take no action.

No Probable Cause was found that Miami Beach City Commissioner Edward Tobin violated that city's Code of Ethics by interfering with last year's hiring process for a new police chief. According to the complaint (**C 13-03**), Commissioner Tobin actively supported the candidacy of Thomas Hunker for the position, tried to influence who would sit on the selection committee, discussed his preference with members of the selection panel and suggested to the city manager that Hunker should be appointed. Ethics Commissioners found, that while Tobin's actions did not directly violate the city code, a Letter of instruction should be directed to him regarding an elected official's role in the hiring process. The COE also found No Probable Cause to allegations Commissioner Tobin became improperly involved in extending the application period for the Miami Beach Police Department or that he attempted to expedite the hiring of one individual by the MBPD.

Ethics Commissioners approved a Letter of Instruction to Miami City Manager Johnny Martinez after the city's Public Facilities Director, Henry Torre, agreed last month not to fight allegations he violated the "reverse two-year rule" of the

Conflict of Interest and Code of Ethics Ordinance. Torre was appointed to his current position in February 2012, less than two years after leaving as director of operations for Terranova Corporation, which manages leases for retail space in the city-owned parking garages next to Marlins Park. The complaint (C 13-10) noted that Torre was responsible for enforcement of the contract in direct violation of the Ethics Code. The Letter advises city leaders to consider the Ethics Ordinance when hiring and to contact the Ethics Commission if there is any question about how the Code should be interpreted.

The Ethics Commission found No Probable Cause to a complaint (C 13-17) filed against a private citizen, J. P. Morgan, for emailing inaccurate information attacking Miami Beach mayoral candidate Philip Levine. Morgan is not publicly affiliated with any campaign staff and is not registered with any political committee. Under the County's Ethical Campaign Practices ordinance, the COE has jurisdiction over candidates and/or members of their campaign staffs, but not over private citizens, so 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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