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SM Police Chief settles ethics complaint

The Miami-Dade Commission on Ethics and Public Trust (COE) today agreed to settle a complaint (**C 12-31**) against the Police Chief of South Miami. The Commission found that Chief Orlando Martinez de Castro violated the city's ethics code during 2011 when the South Miami Police Department contracted with Airways Auto Tag Agency for tags and titles for forfeiture vehicles. Airways is owned by Ileana Martinez de Castro, the police chief's wife. As part of the negotiated settlement, a fourth count was dropped, and Chief Martinez de Castro agreed not to contest the allegations in Counts 1, 2, & 3 of the complaint. He paid \$2,000 in investigative costs and accepted a Letter of Instruction. While the Chief stated that he was unaware of the transactions, the Letter advises that "It is the government employee... who is ultimately answerable for ethical transgressions."

A Miami department head agreed not to fight allegations he violated the "two-year rule" of the Conflict of Interest and Code of Ethics Ordinance by overseeing the city contract with his prior employer. Henry Torre became Miami Public Facilities Director in February 2012, less than two years after leaving his post 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. Since he agreed to avoid the expense and time of litigation, and claimed to be unaware of the ethical rule, the COE waived the fine and will issue a Letter of Instruction to the city manager.

The Ethics Commission was asked if it would it be a violation of the "two-year rule" if Jose Abreu, the recently retired County aviation director, were to chair the Transportation and Infrastructure Committee of the Greater Miami Chamber of Commerce. Chamber CEO Barry Johnson stated in a Request for Opinion (**RQO 13-06**) that the chamber's executive committee wanted to appoint Abreu to the volunteer, uncompensated post. The Opinion states that Mr. Abreu is not prohibited from serving, as long as he does not contact or attempt to influence County officials or staff until April 1, 2015, which is two years after his retirement from County service.

Miami-Dade County Commissioner Audrey Edmonson may sponsor legislation and vote on matters related to an organization for which she serves in an ex officio position. That response to the District 3 Commissioner's Request for Opinion (**RQO 13-06**) concerns the Miami Children's Initiative (MCI), a non-profit entity created by the County Commission to coordinate educational and healthcare programs for families in Liberty City, which is in District 3. Its bylaws require the district commissioner to function as a nonvoting member of the board of directors. Commissioner Edmondson asked if she and her staff may assist MCI officials with drafting a proposed lease agreement to build a training center and permanent offices for MCI on vacant county-owned land. Since she receives no financial benefit from her non-voting ex officio position on the board, the Ethics Commission found that Edmonson may sponsor and vote on legislation affecting the organization.

No Probable Cause was found to a complaint (**C 13-09**) against the Vice Mayor of Cutler Bay who was offered, but refused, an all-expense paid trip by a foundation interested in establishing a boarding school for at-risk youth in the town. A resident also alleged that Ernie Sochin solicited members of the Ethel and W. George Kennedy Family Foundation, Inc., to make a financial donation to the South Florida Boys Choir – an organization Sochin supports – in exchange for his positive vote on a future zoning change. An investigation found the allegations unwarranted and the complaint was dismissed.

A courtroom observer, who claimed she was verbally abused and threatened by 11th Circuit Court Judge Valerie Manno Schurr, filed a complaint (**C 13-11**) against the jurist. Because the Ethics Commission does not have jurisdiction over the courts, the complaint was dismissed as Not Legally Sufficient. The complainant was directed to the Judicial Qualifications Commission, which investigates misconduct by Florida judges.

Also today, COE Executive Director Joseph Centorino reported on the recent approval of two ordinances by the Miami-Dade Board of County Commissioners. One requires all County and municipal elected officials to complete ethics training within 90 days after being sworn into office. Another codifies a charter amendment approved by voters last fall that permits the Ethics Commission to enact penalties for violations of the Citizens Bill of Rights similar to those applied to violations of the Conflict of Interest and Code of Ethics Ordinance.

And, the Ethics Commission passed a resolution proclaiming this upcoming October 22nd as “Ethical Governance Day 2013,” to promote greater civic involvement and commitment to public and community service. The first event last year placed civic activists as guest speakers in more than 200 Miami-Dade Public Senior High School government and economics classes to inspire teens to get more involved in public affairs. Volunteers are being recruited for a similar effort this fall.

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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