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Utility official admits to possible ethics violations

A senior construction manager in the Miami-Dade Water and Sewer Department (WASD) faces a public hearing on charges he violated the County's Conflict of Interest and Code of Ethics Ordinance by using his position to get his son a job. The Miami-Dade Commission on Ethics and the Public Trust yesterday found probable cause in a complaint (C 09-13) against Mario Garcia, Jr. for influencing the hiring manager of a private contractor to the utility to give his son an advantage when filling a junior inspector position. A review by the County's Inspector General found that Mario Garcia III's application was one of six set aside out of more than 100 responses to the job announcement and he was one of only three interviewed for the post. Prior to the interview, the elder Garcia was told the specific questions that would be asked. The investigation found that Garcia III scored highest in the hiring process, but he failed the drug screening. He was, however, hired by a different subcontractor to WASD after Garcia, Jr. misrepresented the reason his son did not get the first position. The department has already suspended him for five days without pay, but the Ethics Commission may impose additional sanctions.

During its monthly meeting (7/28/09), the Ethics Commission dismissed a complaint (C 09-12) filed against Miami-Dade Circuit Judges William Thomas and Sarah Zabel by a defendant who was cleared in a criminal case, but claimed the judges improperly sealed the court records. Because the Ethics Commission doesn't have jurisdiction over the circuit court, the case was declared legally insufficient.

A bond engineering company that oversees the work and the release of grant funds for the closing of landfills for the Miami-Dade Department of Solid Waste Management must not inspect, approve payments or perform any services related to the Munisport Landfill in North Miami. That's the decision of The Ethics Commission in response to a Request for Opinion (RQO 09-23) from Malcolm Pirnie, Inc., which entered into a professional services contract with the County two and a half years ago. Earlier this month, however, that firm merged with another company, ARCADIS, and became a wholly-owned subsidiary. ARCADIS is a consultant to the private firm Biscayne Landing, which is cleaning up and developing the former landfill. The Commission ruled that Malcolm Pirnie may not perform any oversight services relating to Munisport because of the conflict of interest with its new parent company.

In a different Request for Opinion (RQO 09-24), APP Pharmaceuticals asked whether, as a supplier who participates in a group purchasing organization, its agents have to register as lobbyists for the Public Health Trust. Jackson Memorial Hospital buys drugs, medical supplies and other products through one of two groups to achieve cost savings through high volume sales. APP representatives sometimes call on JMH personnel to provide information and support for their intravenous drugs purchased through the group. The Ethics Commission ruled those representatives must register as lobbyists when they discuss with hospital staff the purchase or pricing of new APP products, but do not have to register when providing support services on existing contracts.

In other action, the Ethics Commission appointed one member to sit on a committee with staff to review applications for hearing examiners. Approximately ten individuals with substantial judicial or legal experience will

be selected to serve on a rotating basis to hear complaints on an expedited basis and provide preliminary decisions concerning Ethical Campaign Practices.

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 and outreach, the Commission seeks to empower the community and bolster public trust.

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