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Ethics hearing to be set for South Miami City Commissioner

A finding of probable cause was issued today by the Miami-Dade Commission on Ethics and Public Trust on ten counts of violating the Code of Conduct in South Miami by City Commissioner Valerie Newman. The complaint (C 09-11), filed by former City Manager W. Ajibola Balogun, cites several instances in which the elected official used threatening and intimidating language during the performance of her public duties, attempted to influence city staff to issue permits, met directly with city employees without going through the manager as required (including attending a police roll call unannounced and discussing department business with officers), demanded special treatment from city employees, disrupted a staffer with personal demands and became involved in administrative functions. The ruling sets the stage for a public hearing on the ethics violations.

The Ethics Commission found NO probable cause to a complaint (C 09-21) that the city attorney of Coral Gables violated ethics codes of both Miami-Dade County and Coral Gables when she recommended a lawyer for the municipality's procurement director. Danilo Bedit had complained that Elizabeth Hernandez suggested he seek legal counsel from an attorney she knows to help him in a personnel action against the city.

A complaint (C 09-26) against a candidate for Miami Beach City Commission was found NOT legally sufficient by the Ethics Commission. A citizen alleged that Alex Fernandez deceived the public and violated Voluntary Fair Campaign Practices by distorting and misrepresenting facts in his run for office. The Ethics Commission determined that since Mr. Fernandez did not sign an updated version of the Voluntary Fair Campaign Practices Form, he cannot be bound by it.

No probable cause was found associated with a complaint (C 09-19) filed by an employee of Miami-Dade County's Enterprise Technology Services Department that alleged exploitation of official position by her supervisor.

No probable cause was found in a complaint filed (C 09-20) against officials in Miami-Dade's Consumer Services Department by the owner of a body shop who accused them of abuse of power and harassment. Alex Denis's business was cited for code violations by Consumer Services officials trying to mediate a complaint filed by a different company.

Responding to a Request for Opinion (RQO 09-39) from Miami-Dade Commissioner Carlos Gimenez on a person's ability to speak before his board, the Ethics Commission ruled that the Citizens' Bill of Rights should be liberally construed to enable anyone the right to be heard on issues within the jurisdiction of the County Commission. However, the Ethics Commission stated that the Board may impose restrictions on the time, place and manner of such comments.

The Miami-Dade Elections Department sought interpretation of current laws to determine how long it must store original hard copies of financial disclosure forms for elected and high ranking administrators of county and municipal governments as well as members of certain advisory boards – many of whom also file disclosure forms with the state of Florida. Elections is considering phasing out the current system and maintaining master copies of all forms in electronic

version. However, since the state law requires that originals be stored for ten years by the Elections Department, the Ethics Commission opined that it would be unmanageable to maintain two separate retention systems for many of the same records, and, in response to RQO 09-40, ruled that the department should keep hard copies of the forms for ten years.

An effort to use funds from the “Building Better Communities” bond program should operate under the same rules as other publicly bid projects when seeking Requests for Application to construct affordable homes. The “Cone of Silence” prohibits communication between any potential bidder or vendor on a specific request for service and County staff involved in the process. However, the Cone of Silence includes an exemption for state and federal funds administered by the Department of Housing and Community Development. Agency officials believed the same exemption applied to county funds, but in response to RQO 09-41, the Ethics Commission ruled that projects funded by the county bond program must abide by the Cone of Silence.

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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