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Community Council member accused of misreporting income

The Miami-Dade Commission on Ethics and Public Trust today found probable cause that Patricia Forbes violated the Conflict of Interest and Code of Ethics Ordinance by failing to report earnings. The South Bay Community Council (#15) member stated on financial disclosure forms that her sole source of income came from her position as a data input specialist for the Miami-Dade County School Board. However, investigators looking into Complaint 09-27 determined that Ms. Forbes received checks totaling \$4,200 from the non-profit entity "CIVIC" during 2006 and \$2,240 from the same organization in 2007.

Earlier this year, the Ethics Commission found probable cause that Forbes' husband also failed to disclose income he received from various sources on financial disclosure forms he filed for 2005, 2006 and 2007 as required by law. The complaint (C 09-05), filed by the Independent Advocate against Kentward Forbes, alleges that the Board Member of the Naranja Lakes Community Redevelopment Agency wrote that he had no primary source of income, but state records show he is the registered agent for several incorporated entities, including "Citizens Integrated Voices Inspiring Changes (CIVIC)," "Civic Services" and "Naranja Optimist Club, Inc.," through which he received several thousand dollars for consulting services and community organizing. He also was paid \$26,000 by the First National Bank of South Florida during that period. Today, Mr. Forbes stated his intent to file a motion in preparation for his defense.

A complaint (C 09-32) against the former mayor of Homestead was found NOT legally sufficient and dismissed by the Ethics Commission. A citizen alleged that during her recent campaign, Linda Bell violated Voluntary Fair Campaign Practices by falsely claiming the endorsement of Homestead's police chief. The Ethics Commission determined that since Ms. Bell did not sign the Voluntary Fair Campaign Practices form, she cannot be bound by it.

The Ethics Commission dismissed complaints (C 09-14) against Anthony Cutler, a former member of the City of Miami Equal Opportunity Advisory Board, and Charles Cutler (C 09-15), a former member of the City of Miami OAB/Overtown Community Oversight Board. The brothers failed to complete the required financial disclosure forms for 2007 that were due July 1, 2008. Investigators have learned that Anthony Cutler is in jail and likely headed for state prison. Additionally, they have expended considerable effort to serve notice to Charles Cutler without success. The Commission ruled that the public interest isn't met by continuing pursuit of the complaints, but they could be re-filed.

The Commission also dismissed a complaint (C 09-22) filed by a former worker against various employees of the Public Health Trust for violations of the Whistleblower Retaliation Ordinance because it was time-barred. The Commission ruled the complaint could be filed in the name of the labor union or fellow employees who made similar allegations of wrongdoing under the Conflict of Interest Ordinance.

As a follow up to an opinion (RQO 09-39) issued last month about a person's ability to speak before the County Commission, Miami-Dade Commissioner Carlos Gimenez asked the Ethics Commission to clarify certain terms that may

constitute negative comments by a speaker. But because the words “personal,” “slanderous” or “impertinent” are not defined by the Board of County Commission’s Rules of Procedure and cannot be judged in the abstract, Ethics Commissioners declined to clarify the terms without a more specific set of facts.

Ethics Commissioners did determine which County board members are required to file financial disclosure reports. That request (RQO 09-42) came from the Acting Clerk of the Board of County Commissioners, Diane Collins, who noted the different varieties of advisory boards. The opinion states that annual financial disclosure is required by members of all County boards created by ordinance or resolution to advise on specific topics, all quasi-judicial boards, groups staffed by County personnel or funded by the County, semi-autonomous boards created by state law which make recommendations and awards for County programs and all boards that are required to abide by the Conflict of Interest Ordinance.

According to the same opinion, financial disclosure is NOT required by members of the Metropolitan Planning Organization and its subordinate boards, the Children’s Trust, Port of Miami Crane Management, standing nominating committees for various boards, independent entities created by state law (the Industrial Development Authority, Health Facilities Authority and Education Facilities Authority) and task forces or ad hoc committees that exist less than one calendar year. Members of The Miami-Dade Expressway Authority and the Planning Advisory Board do NOT have to file financial disclosure forms with the County, but must file under state law.

The Assistant Director of the Department of Water and Sewer (WASD) asked (RQO 09-43) if a company that is providing engineering services for the North Dade Wastewater Treatment Plant may serve as manager at-risk for construction of a disinfection system at the same facility. Under an existing contract, Brown and Caldwell, Inc., (BCI) has recommended that WASD change the chlorination system and wants its construction division to bid on the work. The Ethics Commission opined that BCI may provide construction management services for a new facility, but not if the company handles design work or writes the bid for the proposed plant.

Miami-Dade’s Procurement Management Department asked the Ethics Commission to amend its Rules of Procedure to allow more flexibility for those making presentations before a selection committee. Currently, rules require that anyone who appears on behalf of an individual or firm must register at least two days before the meeting. The Commission agreed to change the rule to permit registration up to the time of the oral presentation.

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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