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Former Mayoral Chief of Staff Settles Ethics Charges

The Miami-Dade Commission on Ethics and Public Trust today accepted a negotiated settlement from Miami-Dade Police Sergeant Denis Morales over charges he exploited his official position when he was chief of staff for Mayor Carlos Alvarez. Morales paid a fine of \$1,500 and will receive a public reprimand for the misappropriation of 40 hours of paid leave in March of 2009, while he was earning outside income teaching in Panama. Investigation of the complaint (**C 10-25**) found that Morales violated the County's Conflict of Interest and Code of Ethics Ordinance by citing earned leave for overtime work long after it expired, exempting himself from standard leave procedures and destroying payroll records.

The Ethics Commission denied a motion to dismiss the case against North Miami Beach Mayor Myron Rosner for exploitation of official position. Complaints filed last year (**C 09-02 & C 09-04**) alleged that, while he was a member of the City Council, Rosner used his influence to obtain permits for additions to his private home without seeking required variances. The mayor, who is a licensed building contractor and a member of the Miami-Dade County Board of Rules and Appeals, will face a public hearing on the charge.

It was announced today that a county court appellate panel has upheld charges (**C 07-28**) against a former Bal Harbour Village Councilman who violated the Ethics Code by the late filing of a financial disclosure form, by not fully disclosing rental income and by misrepresenting the location of rental property. The Ethics Commission levied fines of \$4,500 against Joel Jacobi, who appealed the case, but his conviction has been affirmed.

A former municipal advisory board member will be fined \$500 after failing to disclose his source of income, as required by the Conflict of Interest and Code of Ethics Ordinance. Wilfred Pierre, who was a member of Miami's Equal Opportunity Advisory Board in 2007, refused to respond to several notices or to appear before the Ethics Commission in a public hearing on the complaint (**C 10-21**). A similar complaint (**C 10-17**) against Rosa Green, who was a member of the OAB/Overtown Community Oversight Board during 2007 and 2008, was dismissed after she filed the required information.

No probable cause was found to a complaint (**C 10-20**) against two Miami-Dade Parks and Recreation Department officials. A former tennis instructor, Francisco Montana, accused Department Director Jack Kardys and Crandon Park Tennis Center Facility Manager Rick Pardon of wrongdoing associated with tournaments operated by Pardon's son, Jason. The investigation revealed, among other findings, that since Jason Pardon is not a county employee and his father does not profit from the tournaments, there is no violation of county ethic laws.

A complaint (**C 10-24**) filed against the Director of the County's Department of Corrections and Rehabilitation was dismissed. Timothy Ryan was accused by labor leader Walter Clark of lying to state investigators who were reviewing the department's hiring practices. The Ethics Commission ruled that since the complaint concerns personnel allegations outside its jurisdiction, it is legally insufficient.

In response to a Request for Opinion (**RQO 10-16**), the Ethics Commission ruled that A.D.A. Engineering, Inc., which provides consulting services to the Miami-Dade Solid Waste Department relating to the clean-up of the former Munisport Landfill in North Miami, may not provide engineering services for that city. The Commission found that the firm would have a conflict of interest if it is responsible for reviewing the city's progress in closing the landfill while working for the that same municipality.

Two Requests for Opinions centered on the County's "Cone of Silence" ordinance, which limits communication between a potential vendor and county officials between the time a bid is advertised and a recommendation for its award is made. In **RQO 10-17**, the Department of Procurement Management asked if the rule is in effect after the County Commission agreed to allow the County Manager to negotiate with the highest bidder. The Ethics Commission ruled that since staff recommended negotiations with a single proposer, that constitutes an award for recommendation and the Cone of Silence is lifted for that project.

On the other hand, County Commissioner Sally Heyman sought clarification (**RQO 10-18**) after the committee she chairs voted to amend a proposed federal lobbying contract to divide the work among five firms instead of the recommended three. Since the county manager was asked to review changing the size of the bid award and expanding the number of winning respondents, Ethics Commissioners opined that the Cone of Silence would have to be re-imposed.

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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