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Executive Director steps down

The only executive director since the Miami-Dade Commission on Ethics and Public Trust was formed, today announced his intention to resign. Robert Meyers told Ethics Commissioners that when he accepted the position in 1998, he intended to stay for only a few years. "Now," he said, "after an interesting and challenging twelve and a half years, it's time to pass the baton to someone else." Meyers' resignation is effective April 30th, but, at the request of the Ethics Commission, he agreed to stay in the position until a replacement is named. Commission Chair Dawn Addy thanked Meyers for his years of service and his advocacy and appointed Ethics Commissioner Charlton Copeland to work on the search for a new executive director.

As part of its agenda at today's monthly meeting, the Commission on Ethics (COE) issued a public reprimand against former Miami-Dade County Commissioner Dorrin Rolle, who pleaded no contest in November to charges he violated the Conflict of Interest and Code of Ethics Ordinance. The complaint (**C 10-14**) stems from a time when the Commissioner was also the President and CEO of the James E. Scott Center (JESCA) and met with County officials to try to get more funding for the organization. When he was elected in 1998, Rolle was advised by the County Attorney's Office that he would need to recuse himself on issues involving JESCA. Rolle has paid a fine of \$1,750. Part of the public reprimand approved by the COE today said, "It is the sincere hope of this Commission that Mr. Rolle has finally learned his lesson. Perhaps Mr. Rolle's unethical behavior was ultimately his undoing as the electorate failed to return him to office for yet another term in the October 2010 election."

The Chief Financial Officer for the City of Miami agreed not to challenge a finding of probable cause that he has failed to file the required financial disclosure forms for the past three years – 2008, 2009 and 2010. Larry Spring is charged with three counts of violating the Conflict of Interest and Code of Ethics Ordinance, which is punishable by a fine of \$500 for the first violation and \$1,000 for each subsequent violation. The complaint (**C 11-02**) will either go to a public hearing or a negotiated settlement.

A Lobbyist Expenditure Report for 2007 was finally filed by Willis Howard II on December 4, 2010 -- 889 days past due. Only after being charged with a violation in a formal complaint (**C 10-37**) did the representative for North Miami Outdoor respond. The Ethics Commission levied a fine of \$500.

The COE voted to dismiss nine of ten counts filed against South Miami City Commissioner Valerie Newman for violating that city's Code of Conduct. Last October, the board found probable cause to the complaint (**CO 09-11**) filed by former City Manager W. Ajibola Balogun. But, further investigation of the case, including the taking of depositions, found insufficient evidence to proceed on Counts 2 through 10. The case will continue on the first count, which charges

Commissioner Newman with using threatening and intimidating language against AT&T representatives over the location of a communications box in a residential neighborhood.

At a status conference concerning complaints (**C 09-02 & 09-04**) against current North Miami Beach Mayor Myron Rosner, his attorneys abandoned their efforts to depose the two complainants and said they would not be available for a public hearing until June. The Ethics Commission pressed both parties to try to resolve the case before the municipal election on May 3. Rosner is accused of exploitation of official position for obtaining building permits for work on his home.

A complaint (**C 11-06**) filed against Miami's police chief was dismissed as Not Legally Sufficient. Lieutenant Raimundo Socorro alleged that Miguel Exposito abused his power by demoting him from Special Threat Response Unit Commander to uniform patrol after the Lieutenant made public statements about the Chief. He also accused Exposito of making false statements about crime statistics. The ordinance creating the Ethics Commission specifically denies it the authority to consider personnel matters, and the appropriate remedy to the second alleged violation must be sought through a civil lawsuit.

A request by a citizen to rescind a final order and withdraw a complaint was agreed to by the Ethics Commission. Al Crespo had filed a complaint (**C 10-34**) against Miami City Commissioner Mark Sarnoff, which was dismissed for lack of probable cause. Crespo submitted additional material, which was assigned the complaint number **C 10-39** and was also dismissed. He said the additional material should have been treated as a supplement to his original complaint and not as a new charge.

A company that serves as bond engineer for Miami-Dade's Department of Solid Waste is able to remove one of two conflict of interest restrictions placed on it by the Ethics commission in recent years, but must wait on the second. In its Request for Opinion (**RQO 10-29**), Plantation-based Malcolm Pirnie notes that the firm it contracts with in Tampa is no longer the parent company of the Montenay Power Corporation, which operates Miami-Dade's Resource Recovery plant. The Ethics Commission ruled Malcolm Pirnie no longer needs to provide semi-annual reports on compliance as required by the earlier restrictions. However, the bond engineer may not perform any services connected to the former Munisport Landfill in North Miami until permitting is completed by another company.

A company contracted by Miami-Dade's Water and Sewer Department to provide design services for upgrades to the Hialeah-Preston Water Treatment plant sought approval to work on such a project in **RQO 10-30**. The Ethics Commission decided that Carollo Engineers may provide services under a design-build contract, as long as the company does not develop the design criteria or perform any other evaluation or construction phase services under the current agreement because that would result in conflicting responsibilities. In a similar case, CH2MHill, which is currently a subcontractor on design upgrades to the same plant, asked (**RQO 11-4**) if it may bid on engineering and construction management services related to pipeline and storage facilities at the Northwest Wellfield. The COE opined that the company may do so, as long as it does not have oversight or management responsibilities on the related project.

The COE was asked (**RQO 10-32**) by an administrative secretary in the Contract Monitoring and Compliance division of Miami-Dade's Department of Small Business Development if her position prevents her husband from working for one of the companies providing plumbing and mechanical work on the new Florida Marlins Stadium. Commissioners ruled that since Shanise Harris is not directly responsible for monitoring any phase of the Marlin's contractual agreements with the County, and because her husband does not have a controlling financial interest in a firm doing business with the County, there is no conflict of interest and, therefore, no prohibition on his employment.

A firm that specializes in airline baggage handling systems and has American Airlines as its primary customer worldwide is also a contractor with Miami international Airport. For that reason, the COE ruled that CAGE may not oversee the final stages of testing the baggage handling system in the North Terminal for both MIA and AA. In response to **RQO 11-**

1, the COE determined that CAGE would have overlapping responsibilities serving simultaneously as a consultant to both the airport and the airline, and that poses an impermissible conflict.

The chief of a Head Start service provider sought an advisory opinion (**RQO 11-02**) on the role his wife could play in a day care center. Katherine Sands was responsible for internal monitoring, assessment and continuous improvement at St. Albans Day Nursery, where Dr. Franklin Sands is executive director. The Ethics Commission concluded that Mrs. Sands may provide full time volunteer advisory services as long as she does not oversee staff or have access to confidential information.

The owner of a private company that provides construction management services was prohibited from contracting with the Miami-Dade Department of Public Works, where his son is employed as a professional engineer. Juan Jose Santandreu contended that his son would have no involvement because he works on bridges in the highway division and the contract being sought involved the installation of sidewalks. In **RQO 11-03**, the Ethics Commission upheld an earlier inquiry response that Mr. Santandreu may not enter into any contracts with Public Works as long as his son is employed by that department.

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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