



For Immediate Release: July 26, 2011
Contact: Dawn Addy, Chair
(305) 348-2615 or (305) 975-4730
addyd@fiu.edu

Opa-Locka Mayor settles ethics complaint

Opa-Locka Mayor Myra Taylor has agreed to pay a fine of \$1,500 and accept a public reprimand as part of a settlement with the Miami-Dade Commission on Ethics and Public Trust (COE). Last month, the COE issued a finding of probable cause in a complaint (**C 11-16**) that she violated the Conflict of Interest and Code of Ethics Ordinance. The investigation found that in late 2009 and early 2010, then-Vice Mayor Taylor engaged in voting conflicts by promoting a funding resolution that benefited the non-profit corporation she heads and improperly influenced city officials to support a special event. As part of the negotiated settlement, two other counts of the complaint will be dismissed.

Also reaching a settlement is the president and CEO of a local construction company who will not contest a charge that he violated the County's "cone of silence" rules when he protested INDRA USA's failure to earn a selection committee's recommendation for a Metrorail project before the award was finalized. The complaint (**C 11-15**) charges that Emilio Gonzalez sent a letter in early February to then-Mayor Carlos Alvarez criticizing the selection process. A County procurement official responded, reminding Gonzalez that the bid was still under the "cone of silence," which prohibits any communication between a potential vendor and the mayor, commissioners or members of their staffs, until the County Manager makes a written recommendation. Nonetheless, a month later, Gonzalez met with Commission Chair Joe Martinez to discuss the proposal. After Martinez learned the cone of silence was still in effect at the time of the meeting, he contacted the Ethics Commission. Gonzalez will pay a fine of \$500.

Probable cause was found in a complaint (**C 11-19**) against a member of the City of Miami's Parks and Recreation Advisory Board for failing to file required financial disclosures two years in a row. Tonya Byng was sent reminders of the requirement a month before the deadlines for her service in 2008 and 2009 and also received several notices of violation by the City Clerk and the Ethics Commission. Byng could be fined as much as \$1,500 -- \$500 for the first count and \$1,000 for the second count.

The owner of a nightclub that was cited as an unsafe structure filed a complaint (**C 11-20**) against the director of the Miami-Dade Building Department, claiming that Charles Danger's powers enable him to cite violations, determine compliance and demolish buildings. Keith Wilson appealed his citation and was granted extensions to bring his building up to compliance, but after an appearance before the Unsafe Structures Board on April 5, 2011, he was told the Board could not to grant further extensions. Danger serves as secretary of that board. The Ethics Commission found that Wilson was afforded due process, and since his complaint was filed under the Citizen's Bill of Rights, it may not proceed to a probable cause determination.

In other action, the COE reached agreement with **Joseph Centorino** on an employment contract when he takes over as executive director on August 15, 2011. All background checks cleared the vetting process, and in response to a motion by Commissioner Gelber, the board voted unanimously to approve his appointment.

Requests for Opinion (RQO)

Two international trips for one local government official have different gift disclosure requirements. North Miami Mayor Andre Pierre traveled to Dakar, Senegal, from June 12 to June 19, 2011, on behalf of the National Conference of Black Mayors. He and staff members are planning a trip to Chengdu, China, August 7 through the 14th to attend a forum as part of Sister Cities International. In response to **RQO 11-18** from the office of the mayor, the Ethics Commission ruled that, since next month's trip to Asia is to conduct official business, it is exempt from gift disclosure rules. However, because last month's trip to Africa was in Mayor Pierre's individual capacity, it must be reported as a gift by September 30, 2011 – the end of the calendar quarter following the quarter in which the gift was received.

A Request for Proposals issued by the Port of Miami for construction engineering and inspection services for its wharf strengthening project resulted in inquiries by several local companies on whether they are permitted to bid for the work. The Ethics Commission opined that three firms may not respond to the proposal because of conflicts of interest. In **RQO 11-17**, the COE found that MACTEC Engineering and Consulting, Inc., a subcontractor to the architect for the wharf strengthening program, has a conflict because it would have overlapping responsibilities on different phases of the same project. Another subconsultant, A.D.A. Engineering, Inc., which has assisted with topographic and hydrologic surveys and utility and drainage designs, was told in response to **RQO 11-19** that it also has overlapping responsibilities since A.D.A. has construction phase responsibilities under the design agreement. A subconsultant to the bond engineer for the Seaport, Bolton Perez & Associates, is also prohibited from bidding under the decision in **RQO 11-20**, because the company may have to provide reports and recommendations regarding the project as part of the annual bond engineering report.

Three other firms were given the go-ahead to apply for the work associated with the deep dredging. The Ethics Commission noted that Pinnacle Consulting Enterprises, Inc., is not currently providing any services at the Port, so the response to **RQO 11-21** states that the company may provide construction engineering and inspections for the wharf strengthening program. Avart, Ammann & Whitney, Inc., is involved in the re-roofing of one building at the Port, improvements to a cruise terminal and drainage improvements near the terminals. Because the firm's current work is not related to the proposed job, the Ethics Commission opined in **RQO 11-22** that it does not have a conflict. A similar ruling of no conflict was issued in response to **RQO 11-23** sought by GEOSOL, Inc., which is currently providing soil, foundation and material testing services in the cargo area, serving as a subconsultant for cruise terminal improvements and helping to develop the criteria for a water main replacement.

A Miami-Dade County procurement officer who has accepted a job with a current County vendor asks in **RQO 11-24** if he will face any restrictions in his future position. Leonard Gonzalez states that he has purchased commodities in his official capacity but has not handled construction projects. His new position will be as a purchasing agent with Odebrecht Global Sourcing. The Ethics Commission ruled that the conflict of Interest and Code of Ethics Ordinance permits Gonzalez to accept employment from a County vendor, but the so-called Two Year Rule prohibits him from lobbying County officials on future work.

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.

###

Caption to attached photo: Outgoing Executive Director Robert Meyers was surprised by a cake with the Ethics Commission logo as tribute was paid to his 13 years of service leading the agency. Ethics Commissioner and retired Judge Seymour Gelber (left) looks on.