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Current mayor and former vice mayor settle ethics charges

Miami Mayor Tomas Regalado has agreed to settle charges with the Miami-Dade Commission on Ethics and Public Trust (COE) by admitting that he filed financial disclosure forms in 2010 and 2011 that were incomplete, inaccurate and which failed to properly disclose assets. According to the Ethics investigation, in the 2010 disclosure form that was filed 29 days after the July first deadline, Regalado failed to note the value of his home or the value of his household goods and personal property. On his 2011 form, the mayor left blank both spaces where the required home value and personal goods should be listed. As part of the settlement to the complaint (**C 11-34**), Mayor Regalado will pay a fine of \$1,000, file revised disclosure forms and accept a Letter of Instruction from the Ethics Commission.

A former Vice Mayor and City Commissioner in Opa-Locka has agreed to settle accusations that he misused his government-issued credit card for expenses unrelated to official business. Terence Pinder was accused of charging approximately five thousand dollars for non-city expenditures from December 2004 through June 2006. To settle criminal charges, Pinder agreed not to contest the complaint (**C 12-04**) of "exploitation of official position" by the Ethics Commission and will pay a fine of \$500. He has already reimbursed the city \$1,400 and promises to pay another \$3,000 to Opa-Locka to cover the unauthorized expenses. Additionally, Pinder agreed to pay \$500 each to the Ethics Commission, the Miami-Dade State Attorney's Office and the Miami-Dade Police Department for investigative costs.

A conflict between the procurement code and the "Cone of Silence" for the Village of Palmetto Bay is prompting a change in that town's laws. It was triggered by a complaint (**C 11-37**) against Village Manager Ron Williams and two Park and Recreation officials, Fanny Carmona-Gonzalez and Kirk Hearin, regarding a Request for Proposals for management of the Coral Reef Park Tennis Center. A selection committee rated one proposer as most qualified, and the manager recommended award of the contract last September, noting that pre-award negotiations had taken place. The town attorney had advised that such communication was permissible under Palmetto Bay's procurement code, but later discovered that advice to be in conflict with the Cone of Silence rule. The Ethics Commission found No Probable Cause that the manager violated rules, but did find Probable Cause that the other employees did. Since Carmona-Gonzalez and Hearin followed the guidance of the town counsel, no charges will be filed, but a Letter of Instruction will be issued to the city.

A registered lobbyist in 2006 who failed to file the required expenditure report by July 1, 2007, and never responded to numerous notices, was found in default by the courts in 2008. Still, Charles Safdie refused to acknowledge the judgment against him until he was found recently by Ethics Commission investigators. After apologizing to the Ethics Commissioners, he agreed to settle the complaint (**C 07-23**) by paying \$255 in court costs, \$500 for investigative costs and a fine of \$500 for a total of \$1,255.

A complaint (**C 11-26**) filed by a former County employee against officials of the Corrections and Rehabilitation Department was ruled Not Legally Sufficient. Aaron Jackson alleged that the group violated state law by failing to provide all relevant e-mails associated with a public records request he had made. Since the complaint dealt with enforcement of state law, over which the Ethics Commission has no jurisdiction, it was dismissed.

No Probable Cause was found to a complaint (**C 11-35**) filed against Dale Lee, the Chief Building Official of the Town of Bay Harbor Islands, who was accused of exploiting his official position. A resident charged that the owner of the building in which he is a tenant was allowed by Lee to use an unlicensed contractor to make certain repairs. The investigation showed that the repairs were made properly under building codes that allow an "owner/builder permit," and there was no evidence that Lee received any benefit for approving the permit.

A complaint (**C 12-05**) filed by a former employee of the Miami-Dade Solid Waste Department was found Not Legally Sufficient and dismissed. Jack Morant, Jr., made the charges related to his arrest in 1997 as one of several attendants accused of accepting bribes at trash and recycling centers. However, his complaint did not allege a violation of the Conflict of Interest and Code of Ethics Ordinance, did not name individuals under the Ethics Commission's jurisdiction and concerned action that took place beyond the Ethics Commission's three year Statute of Limitations.

Requests for Opinions

The most recent member appointed to the Financial Recovery Board (FRB), which oversees operations of the Public Health Trust, is seeking a full-time teaching position at the University of Miami Law School. However, because the creation of the FRB included a heightened standard of ethics for its members that prohibits relationships that could be perceived as conflicts, Ethics Commissioners responded to a Request for Opinion (**RQO 12-01**) by Mojdeh Khaghan by ruling that she could not serve in both capacities. According to the opinion, if Khaghan accepts employment at UM, she would be a stakeholder and would have to resign her position on the FRB.

Despite changes in the Florida Sunshine Law that exempt some portions of the public procurement process from open meeting rules, the Ethics Commission ruled that Miami-Dade's Cone of Silence trumps state law. The Sunshine Law was amended last year to allow pre-bid or pre-proposal conferences, oral presentations before selection committees and certain negotiations with vendors to be exempt from public meeting requirements. But in answer to **RQO 12-02**, the Ethics Commission said that while pre-bid meetings and oral presentations could be permitted in private, contract negotiations may not be conducted outside of a duly noticed meeting without amending the County's Cone of Silence ordinance.

Miami-Dade County Commissioner Jean Monestime asked if he would have a conflict if he votes on a matter that affects the landlord of his private real estate office. The issue is an allocation of three million dollars from the "Building Better Communities" bond program for infrastructure improvements at a shopping center owned by Northside Centre LLC. Izak Yoram owns fifty percent of the building where Commissioner Monestime rents office space. Yoram's wife owns 25 percent of Northside Centre. In response to **RQO 12-04**, Ethics Commissioners found the appearance of a conflict of interest and strongly recommended that Monestime not vote or participate in any action that would benefit his landlord.

The mayor of North Miami sought opinions from the Commission on Ethics related to his private business. Andre Pierre asked if he may advertise his immigration law services on radio stations that have contracts with the city. In the first part of the response to **RQO 12-05**, Commissioners opined that he may do so, as long as his contracts are made at "arms-length" and that the mayor does not accept preferential ad rates. They also advised the mayor not to mention his elected position in advertisements for his private work and requested he send copies of the contracts and proof of payment on a quarterly basis to the Ethics Commission. In response to Mayor Pierre's question concerning a personal loan, the board said he does not have to complete a gift disclosure form as long as adequate consideration has been

given for the loan, detailed in a signed agreement that includes terms for repayment with an interest rate of fair market value. If the person or institution making the loan has an issue before the North Miami City Council, the Ethics Commission ruled that the mayor must abstain from voting.

A Miami-Dade County employee who has been permitted to serve as a landlord for Section 8 housing may continue doing so, even though the department she has worked for has now merged with the Public Housing Agency. Sandra Raymond Dadaille was a planner with the former Housing Community Development Department. After the reorganization of County government, it is now a division within the newly formed Public Housing and Community Development Department. In the response to **RQO 12-06**, the Ethics Commission decided Dadaille and others like her should be grandfathered in for the present and be allowed to remain as Section 8 landlords as long as they are not employed by the same division of the department that administers Section 8 contracts, and that assurances are provided by the department director that they have no influence in that area.

In other action, the COE heard a report on the use of surplus monies from office accounts by Miami-Dade County Commissioners to allocate funds to community based organizations, but took no action. A staff report including proposed guidelines and recommendations concerning public officials' use and distribution of tickets for events at facilities within their jurisdiction was presented for the Ethics Commission's consideration. The report will be the subject of public hearings prior to final action.

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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