

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of July 11, 2013

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on July 11, 2013. Present were Commission Chair Charlton Copeland, Commission Vice-Chair Nelson Bellido, Commissioner Dawn Addy and Commissioner Lawrence Schwartz. Also present were Joe Centorino, Executive Director; Michael Murawski, Advocate; Miriam Ramos, Deputy General Counsel; Victoria Frigo, Senior Staff Attorney; Gilma Diaz-Greco, Staff Attorney; Rhonda Victor Sibilia, Communications Director; Rachelle Cedeno Ross, Administrative Legal Clerk; Lawrence Lebowitz and Robert Steinback, COE Investigators. Guests included: Simon Steckel, Michael Band and Ben Kuehne, attorneys; Barry Johnson and Joseph Serota, Greater Miami Chamber of Commerce; South Miami Vice Mayor Josh Liebman and City Commissioners Walter Harris, Bob Welsh and Valerie Newman; Denise Covington, Jose Basulto, Armando Oliveros, Jr., John Edward Smith, and Brad Casso, South Miami residents; Tracie Auguste, BCC District 3; Daniel Ducassi, the Miami Herald; Maria Perez, El Nuevo Herald; Raquel Garcia, Community News; and Al Crespo. The meeting was called to order at 10:01 a.m. A quorum was present.

I. Approval of Minutes from May 21, 2013

Commissioner Schwartz moved to approve the minutes. The motion was seconded by Commissioner Addy and passed unanimously (4-0).

II. Requests for Opinion

Miami-Dade County Commissioner Audrey Edmonson asked in **RQO 13-06** if she may sponsor legislation and vote on matters related to an organization for which she serves in an ex officio position. The Miami Children's Initiative (MCI) is a non-profit entity created by the County Commission to coordinate educational and healthcare programs for families in Liberty City, which is in District 3. Its bylaws require the district commissioner to function as a nonvoting member of the board of directors. Since she receives no financial benefit from her non-voting ex officio position on the board, it was recommended that the Ethics Commission find Commissioner Edmonson may sponsor and vote on legislation affecting the organization. Commissioner Addy made the motion to support the recommendation. Commissioner Schwartz seconded the motion and it was unanimously approved (4-0).

The Ethics Commission was asked in **RQO 13-07** if it would it be a violation of the "two-year rule" if Jose Abreu, the recently retired County aviation director, were to chair the Transportation and Infrastructure Committee of the Greater Miami Chamber of Commerce. Commissioner Addy made the motion that permitted Mr. Abreu to serve in the volunteer, uncompensated post, as long as he does not attempt to influence County officials or staff to take official actions until April 1, 2015, which is two years after his retirement from County service. The motion was seconded by Commissioner Schwartz and unanimously approved (4-0).

III. Section 8 Requests

Commissioner Schwartz moved to approve two contracts involving County employees seeking to become Section 8 landlords. Commissioner Addy seconded the motion and it passed unanimously (4-0).

IV. Monthly Summary of Inquiries

A summary of Inquiries issued since the last meeting was presented to the Commissioners for review.

V. Miami Beach Lobbyist Appeals

Deputy General Counsel Miriam Ramos presented appeals from seven lobbyists who were late filing their expenditure statements with the City of Miami Beach. She recommended waiving the fee for all. Commissioner Addy moved to approve the recommendation. It was seconded by Commissioner Schwartz and passed unanimously (4-0).

VI. Executive Director's Report

Joseph Centorino suggested a deferral of a vote on a proposed revision of the Rules of Procedure until the full Commission is present, but he did explain changes to the section regarding whistleblower retaliation.

He presented a resolution declaring "Ethical Governance Day 2013," on October 22nd to promote greater civic involvement and commitment to public and community service. Commissioner Bellido made the motion to endorse the resolution. It was seconded by Commissioner Schwartz and unanimously approved (4-0). Volunteers are being recruited to address high school seniors in their government and economics classes.

Mr. Centorino reported on the recent approval of two ordinances by the Miami-Dade Board of County Commissioners. One requires all County and municipal elected officials to complete ethics training within 90 days after being sworn into office. Another codifies a charter amendment approved by voters last fall that permits the Ethics Commission to enact penalties for violations of the Citizens Bill of Rights similar to those applied to violations of the Conflict of Interest and Code of Ethics Ordinance.

VII. Public Comments

Al Crespo questioned if there is an attendance requirement of ethics commissioners.

South Miami City Commissioner Bob Welsh spoke against a proposed settlement for C 12-31.

South Miami City Commissioner Walter Harris spoke against a proposed settlement for C 12-31.

South Miami City Commissioner Valerie Newman spoke in support of the city police chief.

Armando Oliveros, Jr. spoke in support of the South Miami police chief.

Jose Basulto spoke in support of the South Miami police chief.

South Miami Vice Mayor Josh Liebman spoke in support of the city police chief.

John Edward Smith spoke in support of the South Miami police chief.

Brad Casso spoke in support of the South Miami police chief.

Denise Covington spoke against the South Miami police chief.

VIII. Complaints

The Ethics Commission convened in closed session at 11:30 a.m. The commission recessed at 11:46 and returned to open session at 11:51 a.m.

Public Advocate Michael Murawski proposed a settlement with South Miami Police Chief Orlando Martinez de Castro. Probable Cause had been found to **C 12-31** that the Chief violated the city's ethics code during 2011 when the South Miami Police Department contracted with Airways Auto Tag Agency for tags and titles for forfeiture vehicles. Airways is owned by Ileana Martinez de Castro, the police chief's wife. As part of the negotiated settlement, a fourth count was dropped, and Chief Martinez de Castro agreed not to contest the allegations in Counts 1, 2, & 3 of the complaint, pay \$2,000 in investigative costs and accept a Letter of Instruction. Commissioner Schwartz made a motion to approve the settlement. It was seconded by Commissioner Bellido and unanimously approved (4-0).

The Ethics Commission again convened in closed session at 12:09. Upon return to open session at 12:16 p.m., the Commission took the following action:

Commissioner Schwartz made a motion to deny a proposed settlement in **C 13-02**, requesting a fine for the respondents. The motion was seconded by Commissioner Addy and unanimously approved (3-0).

An investigation found no grounds to a complaint (**C 13-09**) against the Vice Mayor of Cutler Bay who was offered, but refused, an all-expense paid trip by a foundation interested in establishing a boarding school for at-risk youth in the town. A resident also alleged that Ernie Sochin solicited members of a foundation to make a financial donation to an organization Sochin supports in exchange for his vote on a future zoning change, but it was determined that no violation occurred. Commissioner Addy made the motion to dismiss the complaint for lack of Probable Cause. It was seconded by Commissioner Schwartz and unanimously approved (3-0).

A Miami department head agreed not to fight allegations he violated the "two-year rule" of the Conflict of Interest and Code of Ethics Ordinance by overseeing the city contract with his prior employer. Henry Torre became Miami Public Facilities Director in February 2012, less than two years after leaving his post as director of Operations for Terranova Corporation, which manages leases for retail space in the city-owned parking garages next to Marlins Park. The complaint (**C 13-10**) noted that Torre was responsible for enforcement of the contract. Since city administrators knew of Mr. Torre's prior employment when they hired him, Commissioner Addy made a motion to waive the fine and issue a Letter of Instruction to the city manager. It was seconded by Commissioner Schwartz and unanimously approved (3-0).

A courtroom observer, who claimed she was verbally abused and threatened by 11th Circuit Court Judge Valerie Manno Schurr, filed a complaint (**C 13-11**) against the jurist. Because the Ethics Commission does not have jurisdiction over the courts, the complaint is Not Legally Sufficient. Commissioner Addy made the motion to dismiss. It was seconded by Commissioner Schwartz and unanimously approved (3-0).

IX. Old Business

There was no old business.

X. Adjournment

There being no further business before the Ethics Commission, Commissioner Schwartz moved to adjourn. The motion was seconded by Vice Chair Bellido and it passed unanimously (3-0). The meeting adjourned at 12:18 p.m.