

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of May 21, 2013

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on May 21, 2013. Present were Commission Chair Charlton Copeland, Commission Vice-Chair Nelson Bellido, Commissioner Dawn Addy, Commissioner Kerry Rosenthal and Commissioner Lawrence Schwartz. Also present were Joe Centorino, Executive Director; Michael Murawski, Advocate; Miriam Ramos, Deputy General Counsel; Victoria Frigo, Senior Staff Attorney; Rhonda Victor Sibilia, Communications Director; Rachelle Cedeno Ross, Administrative Legal Clerk; Lawrence Lebowitz, Robert Steinback, Breno Pinochet and Karl Ross, COE Investigators; Gilma Diaz-Greco, attorney; Commissioner Mark Sarnoff and attorney John Dellagloria; Israel Reyes, attorney; Simon Steckel, attorney; Daniel Chang, Miami Herald; and Al Crespo. The meeting was called to order at 10:01 a.m. A quorum was present.

I. Approval of Minutes from April 11, 2013

Commissioner Rosenthal moved to approve the minutes. The motion was seconded by Commissioner Addy and passed unanimously (5-0).

II. Section 8 Requests

Commissioner Rosenthal moved to approve five contracts involving County employees seeking to become Section 8 landlords. Commissioner Schwartz seconded the motion and it passed unanimously (5-0).

III. Monthly Summary of Inquiries

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

IV. Miami Beach Lobbyist Appeals

Deputy General Counsel Miriam Ramos presented appeals from two lobbyists who were late filing their expenditure statements with the city of Miami Beach. She recommended waiving the fee for both. Commissioner Addy moved to approve the recommendation. It was seconded by Commissioner Schwartz and passed unanimously (5-0).

V. Executive Director's Report

Joseph Centorino asked for the Ethics Commission's opinion on a proposed revision to the Rules of Procedure that would allow complainants to attend probable cause hearings, and if so, with or without the ability to comment. After discussion, Commissioner Addy made the motion to permit complainants to attend the probable cause hearing in cases in which he or she is personally involved, but the complainant would not be permitted to speak. It was seconded by Commissioner Bellido and approved by a vote of 3 to 2. Miriam Ramos said she would incorporate that change and send a revised version of the Rules of Procedure for final action at the next meeting.

Mr. Centorino reported on the success of the recent Public Corruption Investigation Conference, following congratulations by Chairman Copeland. He introduced new

investigators, Larry Lebowitz and Robert Steinback, formerly of the Miami Herald, who officially joined the staff May 6th. He announced the hiring and introduced attorney Gilma Diaz-Greco, who will begin part-time work with the legal staff in June. Mr. Centorino reported that he and his staff have begun presenting a “boot camp” of ethics training to more than 200 Miami Beach employees who work in regulatory agencies or positions. The employees will take part in more than twelve hours of intensive instruction, presentations, scenarios and interviews throughout the summer.

VI. Public Comments

There were no public comments.

VII. Complaints

Public Advocate Michael Murawski reported that the respondent who agreed to settle **C 12-28** (failing to file required “outside source of income” forms for more than three years) by paying a \$500 last September, is delinquent and requested to have Randolph Aikens’ wages garnished. Ethics Commissioners agreed to order the City of Opa-Locka to deduct \$50 per pay period from Mr. Aikens’ salary until the \$250 balance is paid.

After Probable Cause was found last month that a member of the Coral Gables Advisory Board on Disability Affairs failed to file the required source of income statement, Linda Scarcell filed the form with the Coral Gables City Clerk. Deputy General Counsel Miriam Ramos presented a proposed settlement to **C 13-05** in which Scarcell would pay investigative costs of \$50. Commissioner Rosenthal made the motion to approve the settlement order. It was seconded by Vice Chair Bellido and unanimously approved (5-0).

The COE issued two Letters of Instruction related to a complaint (**C 12-41**) against Miami City Commissioner Marc Sarnoff. Probable Cause was found at a hearing in November that Sarnoff failed to properly disclose a gift when he and his wife traveled to Brazil for activities associated with the Volvo Ocean Race last spring. One Letter of Instruction to be issued to the City Attorney notes that the Greater Miami Convention and Visitors Bureau, a private, not-for-profit organization, provided reimbursement directly to the commissioner and not through the city, and consequently, the gift should have been reported. A second Letter advises Commissioner Sarnoff that the reimbursement of his wife’s airfare by the Volvo Ocean Race organization should be reported as a gift. After a presentation by attorney John Dellagloria, Commissioner Rosenthal made a motion to eliminate the words “Probable Cause” from both the First Letter of Instruction and Final Order. It was seconded by Commissioner Schwartz and approved by a vote of three to two. Attorney Dellagloria then asked the Ethics Commission to dismiss the complaint. Commissioner Schwartz made a motion to deny. It was seconded by Commissioner Addy and unanimously approved (5-0). Commissioner Rosenthal made a motion that the second Letter of Instruction and Final Order be consistent with the first, and not include the phrase “Probable Cause.” It was seconded by Commissioner Schwartz and approved 4-1.

A proposed settlement was discussed regarding **C 12-31**, but attorney Simon Steckel stated he was unable to discuss the terms with his client, Orlando Martinez de Castro, and requested the proposal be continued to the next meeting. Commissioner Rosenthal made a motion to continue the settlement. It was seconded by Vice-Chair Bellido and approved 4-1.

The Ethics Commission convened in closed session at 11:33 a.m. Upon returning to open session at 11:42 a.m., the Commission took the following actions:

Agreed to a settlement with a member of the Public Health Trust Financial Recovery Board (FRB) who was accused of violating the Ethics Code. Two administrators for Jackson Health Systems had accused Stephen Nuell, a personal injury attorney, of regularly contacting them and pressuring them to negotiate with his clients, even after being asked not to. Nuell agreed not to contest the allegations in two of the three counts in the complaint (**C 12-40**), and the Ethics Commission will dismiss the third. The agreement required Nuell to pay a \$1,500 fine and either seek a formal opinion from the Ethics Commission regarding his continued service on the FRB or resign his position. His attorney, Israel Reyes, announced that Nuell submitted his resignation to the County Commission effective June 1, 2013. Commissioner Schwartz made a motion to approve the settlement. It was seconded by Vice-Chair Bellido and unanimously approved (5-0).

VIII. Old Business

There was no old business.

IX. 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 (5-0). The meeting adjourned at 11:51 a.m.