

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of October 10, 2013

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on October 10, 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; Gilma Diaz-Greco, Staff Attorney; Rhonda Victor Sibia, Communications Director; and Rachelle Cedeno Ross, Executive Secretary. Guests included: Michael Davis, Dusty Melton, J.C. Planas, Commissioner Jonah Wolfson and Al Crespo. The meeting was called to order at 10:03 a.m. by Commissioner Kerry. A quorum was present.

I. Approval of Minutes from September 12, 2013

Commissioner Schwartz moved to approve the minutes. The motion was seconded by Commissioner Addy and passed unanimously (**3-0**; Copeland & Bellido not yet arrived).

II. Requests for Opinion

RQO 13-08, approved at the September 12, 2013, meeting advised Doral Mayor Luigi Boria to refrain from voting on or participating in any official matters involving a private company seeking to develop 17 acres of land in the city because of his business relationship with the owner. A proposed Letter of Instruction advised the City Manager to avoid any appearance of impropriety, by instructing Doral city staff to perform their duties responsibly, honestly and fairly when taking official actions, such as permitting and inspections, related to the firm, "The Grand Floridian," and its planned development. Commissioner Addy made a motion to approve the Letter. It was seconded by Commissioner Schwartz and unanimously approved (**3-0**).

RQO 13-10 regarded a proposal by County Commissioner Juan Zapata to seek private donations to fund public projects and infrastructure improvements, but it was withdrawn at the Commissioner's request.

III. Section 8 Requests

Commissioner Addy moved to approve one contract of a County employee seeking to become a Section 8 landlord who is not an employee of the Miami-Dade Public Housing and Community Development Department. Commissioner Schwartz seconded the motion and it passed unanimously (**3-0**).

IV. Monthly Summary of Inquiries

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

V. Lobbyist Appeals

Deputy General Counsel Miriam Ramos suggested a waiver be granted to a lobbyist who registered in Miami Beach in 2011 and, because she didn't officially withdraw, was also considered active in 2012 and failed to file an expenditure statement. Commissioner Schwartz made a motion to grant the waiver and also suggested that the city revisit its procedures so that similar situations can be avoided. The motion was seconded by Commissioner Addy and unanimously approved (**4-0** Copeland not yet arrived).

VI. Executive Director's Report

Deputy General Counsel Ramos presented a final version of the updated Ethics Commission By-Laws. Commissioner Addy moved to approve the revised By-Laws. It was seconded by Commissioner Bellido and unanimously approved (5-0).

Executive Director Joseph Centorino discussed "Ethical Governance Day 2013," reporting approximately 300 volunteers and participation by almost all Miami-Dade County Public high schools. He also distributed copies of his Op-Ed on the subject that was printed in the Miami Herald on October 6th. Mr. Centorino reported that the budget for the 2013-14 fiscal year as "level, but lean," despite a significant increase in training responsibilities.

VII. Public Comments

Dusty Melton discussed his letter to Commissioners.

Al Crespo suggested that Ethics Commissioners be given copies of Florida's Sunshine Law.

VIII. Complaints

Commissioner Bellido recused himself and left the conference room. A Letter of Instruction was presented for **C 13-03** regarding Miami Beach City Commissioner Edward Tobin's role in last year's hiring of a police chief. The Letter reminds Commissioner Tobin that the City Charter clearly delineates the distinct duties and responsibilities of elected officials and the manager. It also suggests that the City adopt an ordinance clearly establishing parameters of the legislative role in the appointment process with remedies for violations and educate all elected officials on their appropriate roles. Commissioner Rosenthal made a motion to approve the Letter. It was seconded by Commissioner Addy and unanimously approved (4-0), and then Commissioner Bellido returned to the room.

Commissioner Schwartz recused himself and left the conference room. A Letter of Instruction was presented to attorney Stuart Sobel, who settled **C 13-19** at the previous meeting for failing to register as a lobbyist before contacting several County officials on behalf of a company seeking a contract for People Mover operations at Miami International Airport. The Letter emphasizes the County's legal definition of a lobbyist and advises Sobel -- and all lawyer-lobbyists -- to carefully evaluate their behavior and to register, as required, when planning actions intended to influence decision-making by government officials. Commissioner Addy made a motion to approve the Letter. It was seconded by Commissioner Rosenthal and unanimously approved (4-0). Commissioner Schwartz returned to the room.

A Letter of Instruction was presented to Miami Beach City Commissioner Jonah Wolfson and his legislative aide, Leonor Hernandez, regarding **C 13-16** filed by a constituent who made three unsuccessful requests to obtain an e-mail address list used to distribute a newsletter several years ago. The complaint was dismissed after the COE was informed that Wolfson had instructed his staff to work with Miami Beach's technology department to fulfill the records request. The Letter reminds the recipients and all public servants of their duties under the Miami-Dade County Citizen's Bill of Rights, including being helpful and providing accurate information in a timely manner. Commissioner Addy made a motion to approve the Letter. It was seconded by Commissioner Rosenthal and unanimously approved (5-0).

The Ethics Commission convened in closed session at 10:33 a.m. The Commission returned to open session at 10:58 a.m. and took the following actions:

Commissioner Rosenthal made a motion to find No Legal Sufficiency to a complaint (**C 13-22**) filed by Marie Soeurette Eloi, a former appointee to the Miami-Dade Commission for Women, against the then-chairperson, Michelle Dunaj Lucking, for violating the Board's bylaws. The motion was seconded by Commissioner Bellido and unanimously approved (5-0).

Commissioner Rosenthal moved to find No Legal Sufficiency to a complaint (C 13-24) filed by Al Crespo against officials in the City of Miami for violating the City Charter by allowing elected officials to communicate directly with a department head, rather than through the manager, because the COE does not have jurisdiction over the Miami Charter. The motion was seconded by Commissioner Bellido and unanimously approved (5-0).

The Commission chose to take no action on another complaint (C 13-25) filed by Mr. Crespo against members of the Ethics Commission for allegedly violating Florida's Sunshine Law. Instead, the complaint will be turned over to the Miami-Dade State Attorney by the Commission Advocate.

IX. Old Business

There was no old business.

X. Adjournment

There being no further business before the Ethics Commission, Commissioner Rosenthal moved to adjourn. The motion was seconded by Commissioner Schwartz and it passed unanimously (5-0). The meeting adjourned at 11:01 a.m.

Prepared by Rhonda Victor Sibilia, Communications Director