

# MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

## Meeting of September 10, 2014

The Miami-Dade Commission on Ethics convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on September 10, 2014. Present were Commission Vice Chair Lawrence Schwartz, Commissioner Judith Bernier, Commissioner J.C. Bermudez and Commissioner Marcia Narine. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Miriam Ramos, Deputy General Counsel; Gilma Diaz-Greco, Staff Attorney; Rhonda Victor Sibilia, Communications Director; Breno Penichet, Manuel Diaz and Robert Steinback, Investigators; and Rachele Cedeno Ross, Executive Secretary. Also present: Attorney Michael Band, Maydala Marmol, Billy Hardemon, Barbara Hardemon, Attorney Peter Rabin, and Attorney Michael Davis. The meeting was called to order at 10:08 a.m. A quorum was present.

### **I. Approval of Minutes from August 13, 2014**

Commissioner Narine moved to approve the minutes of August 13, 2014. The motion was seconded by Commissioner Bermudez and unanimously approved (3-0).

### **II. Public Comments**

Magdala Marmol described problems with the Florida Department of Children and Families about the adoption of her grandchild.

### **III. Section 8 Request**

Staff Attorney Gilma Diaz-Greco explained that a new administrator for Section 8 applicants has slowed down the requests for approval. She also discussed the Public Housing and Community Development training program that has been presented to employees about contracting with County.

### **IV. Monthly Summary of Inquiries**

A Summary of Inquiries issued since the last meeting was presented to Commissioners for review and Staff Attorney Diaz-Greco highlighted a few for review.

### **V. Executive Director's Report**

Executive Director Joseph Centorino said that he attended the first public hearing on the 2014-15 County budget to ensure no changes were suggested regarding the COE spending plan, which includes a slight increase to cover rising health and pension costs. He discussed two proposals under consideration by the Board of County Commissioners that would affect the Conflict of Interest and Code of Ethics Ordinance. One would extend the ban on lobbying by former County employees from two to four years after leaving their posts, and that is expected to go before the County Commission for a final hearing next month. Another proposal would grant an exception to the Sunshine Law and the County's Cone of Silence rule that would close public participation when proposals are presented by vendors before selection committees or when vendor negotiations or negotiation strategy sessions take place.

Mr. Centorino reported that approximately 125 people have already registered to volunteer for Ethical Governance Day and that the Miami Herald has promised editorial page space for three different columns on participation. He distributed a draft agenda and "wish list" of speakers that will be sought for an Ethics Education Conference, planned for May 1-2, 2015.

Communications Director Rhonda Victor Sibilia showed a short video of the Ethics Commission training and outreach that will be presented at the COGEL annual conference in December.

## VI. Complaints

Deputy General Counsel Miriam Ramos received a request for a continuance for **C 13-50** (COE v. Bateman), which she opposed, since so many had been previously been granted. Respondent attorney Michael Davis explained that a criminal trial was set to start Sept. 15, and requested a status meeting be scheduled next month to determine availability. Commissioner Bermudez made a motion to deny the continuance and set a status report in October and require defense counsel Ben Kuehne to be present. The motion was seconded by Commissioner Narine and unanimously approved **(4-0)**.

Advocate Michael Murawski presented a proposed settlement with former Dade Medical College President Ernesto Perez, who was accused of lobbying Homestead and Coral Gables city officials without first registering. Michael Band, counsel to the respondent, said his client wanted to avoid protracted litigation and agreed to plead No Contest to two counts of the complaint (**C 14-24**), and pay a fine of \$1,500 plus costs of \$500, and also accept a Letter of Instruction from the Commission. Commissioner Bermudez made a motion to approve the settlement. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

Commissioner Narine recused herself from the status report for **C 14-19**. Deputy General Counsel Miriam Ramos sought approval for nine subpoenas and reported that the attorney for Marie Steril initiated talks on a settlement, but failed to follow up. The attorney asked to reschedule the Oct. 8 public hearing, stating the need to be in court, but Vice Chair Schwartz offered to contact the presiding judge to request the ethics hearing take precedence. Commissioner Bermudez made a motion to approve the subpoenas. It was seconded by Commissioner Bernier and unanimously approved **(3-0)**.

Advocate Murawski presented a proposed Letter of Instruction to John "Jack" Portman who agreed to settle a complaint (**C 14-30**) that he lobbied for the redevelopment of the Miami Beach Convention Center without first registering to do so. The Letter states that Miami Beach's lobbying ordinance is "clear and unambiguous. It clearly specifies that a 'principal' is included in the definition of a lobbyist." Commissioner Bermudez moved to ratify the Letter. The motion was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

The Ethics Commission convened in closed session at 11:05 a.m. The Commission returned to open session at 11:43 a.m. and took the following action:

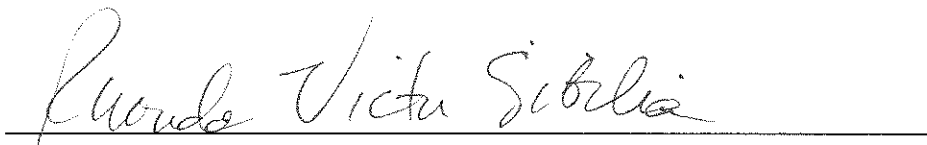
Commissioner Narine made a motion to find Probable Cause on Count 13 of **C 14-41**. It was seconded by Commissioner Bermudez and unanimously approved **(4-0)**. Commissioner Bermudez made a motion to defer Counts 1 through 12 to the next meeting. It was seconded by Commissioner Narine and unanimously approved **(4-0)**. Commissioner Narine made a motion to issue a subpoena to the respondent. It was seconded by Commissioner Bermudez and unanimously approved **(4-0)**.

The Ethics Commission convened once again in closed session at 11:57 and returned to open session for the following action.

Commissioner Bermudez made a motion to approve the issuance of one subpoena. It was seconded by Commissioner Narine and unanimously approved **(4-0)**.

## VII. Adjournment

There being no further business before the Ethics Commission, Commissioner Bermudez moved to adjourn. The motion was seconded by Commissioner Bernier and it passed unanimously **(4-0)**. The meeting adjourned at 11:12 a.m.



Prepared by Rhonda Victor Sibilia, Communications Director