

# MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

## Meeting of July 13, 2016

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on July 13, 2016. Present were Commission Chair Lawrence Schwartz, Vice Chair H. Jeffrey Cutler and Commissioners Judith Bernier, Nelson Bellido and Marcia Narine. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco and Radia Turay, Staff Attorneys; Rhonda Victor Sibia, Communications Director; Rachele Cedeno Ross, Executive Secretary; and Sylvia Batista, Nilda Olmo and Breno Penichet, Investigators. Also present were participants in the Ethics Commission's Summer High School Leadership Academy and other members of the public. The meeting was called to order at 10:00 a.m. by Chairman Schwartz. A quorum was present.

### I. Approval of Minutes

Commissioner Narine made a motion to approve the minutes of the May 11, 2016, meeting. The motion was seconded by Commissioner Bellido and unanimously approved (4-0 Cutler not yet arrived)

### II. Public Comment

None

### III. Requests for Opinions

Staff Attorney Gilma Diaz-Greco presented a research memo for **RQO 16-01**, regarding the establishment of a bright-line rule on how many paid marketing surveys County employees may complete per year before being required to seek permission for outside employment and to file annual disclosure statements, after researching how other government jurisdictions define outside employment. Commissioners asked her to redraft the language that focuses on the number of transactions and dollar amount earned by employees that would trigger the reporting requirement, suggesting that a limit of ten transactions and \$1,000 in income would together provide an appropriate standard.

Executive Director Joseph Centorino presented **RQO 16-03**, an advisory opinion he provided to Albert Dotson, a local attorney who often lobbies and speaks before the Board of County Commissioners. Dotson asked if he would have a conflict of interest by serving on the Board of Trustees of the Public Health Trust, which oversees the County's public health system, while maintaining his lobbying practice before the BCC. Both a County resolution and the By-Laws of the PHT require Board Trustees to abide by a "heightened standard" of ethics when it comes to a potential or even a perception of a conflict of interest. Because the PHT Trustees have a unique relationship with the BCC - including sitting together in some meetings - Mr. Centorino opined that the perception of favorable treatment could arise when Mr. Dotson appears before the BCC in his lobbying capacity. He concluded that Dotson would have to cease lobbying before the BCC in order to serve on the Board of Trustees of the PHT. Mr. Dotson had already resigned from the PHT Board, based on the director's preliminary opinion. Vice Chair Cutler made a motion to approve the opinion, with the understanding that it would create a binding precedent only on future appointees who personally lobby the BCC. It was seconded by Commissioner Bernier and unanimously approved (5-0).

### IV. Section Eight Requests

Staff Attorney Diaz-Greco reported that five County employees sought to contract under the federally-funded Section 8 program, and, since none are associated with the Miami-Dade Public Housing and Community Development Department, recommended approval of their requests. Vice Chair Cutler made a motion to

support the recommendation. It was seconded by Commissioner Bellido and unanimously approved (5-0).

## **V. Housing requests**

Staff Attorney Diaz-Greco presented the requests of seven County employees to seek assistance through programs overseen by the Miami-Dade Public Housing and Community Development Department, and since neither they nor any of their family members oversee or administer the programs, recommended they be approved. Commissioner Narine made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (5-0).

## **VI. Monthly Summary of Inquiries**

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff between May 4, 2016 and July 1, 2016, of which six were briefly discussed.

## **VII. Miami Beach Lobbyist Appeals**

Advocate Michael Murawski presented the cases of 23 individuals who registered as lobbyists in Miami Beach but were delinquent in filing their expenditure statements. He recommended waiving the fine for all but six of them. Vice Chair Cutler made a motion to approve the recommendation. It was seconded by Commissioner Narine and unanimously approved (5-0).

Of the remaining appeals, Mr. Murawski recommended the following:

- Imposing a fine of \$1,250 on Brandon Barry, who has since moved and has stated he will not pay. He will not be able to lobby in Miami Beach in the future without paying the fine. Commissioner Bellido made a motion to approve the recommendation. It was seconded by Vice Chair Cutler and unanimously approved (5-0).
- Reducing the fine against David Edelstein to \$255. Commissioner Bellido made a motion to approve the recommendation. It was seconded by Commissioner Narine and unanimously approved (5-0).
- Reducing the fine for Linda Murray to \$70. Commissioner Bellido made a motion to approve the recommendation. It was seconded by Commissioner Narine and unanimously approved (5-0).
- Reducing the fine for Eleane Navarro to \$190. Commissioner Bellido made a motion to approve the recommendation. It was seconded by Vice Chair Cutler and unanimously approved (5-0).
- Reducing the fine for Danny Aaronson to \$80. Commissioner Bellido made a motion to approve the recommendation. It was seconded by Vice Chair Cutler and unanimously approved (5-0).
- Reducing the fine for Juan David to \$100. After hearing from Mr. David, Commissioner Bellido made a motion to waive the entire fine. It was seconded by Commissioner Narine and unanimously approved (5-0).

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

Executive Director Joseph Centorino discussed staff outreach efforts in what he called the "troubled city" of Opa-locka, including enhanced ethics training for city employees, a citizen's academy in September, a special elementary school Ethical Governance Day, providing COE staff "mentors" to elected officials and having at least one staff member attend every city commission meeting for the next year. Staff Attorney Radia Turay discussed the summer high school leadership academy and had each of the eight students in attendance introduce themselves.

In his legislative update, Mr. Centorino reported that the proposed amendment to the Citizens' Bill of Rights in the Dade County Charter that would allow for the copying as well as viewing of public records was presented at six public hearings around the County to no opposition and was approved for the fall ballot by the Board of County Commissioners. He also discussed a resolution proposed by County Commissioner Daniella Levine-

Cava and passed by the BCC that Community Redevelopment Agencies (CRA) be subject to the Conflict of Interest and Code of Ethics Ordinance and the jurisdiction of the Ethics Commission.

Mr. Centorino reported that more than three dozen representatives attended a meeting of "municipal ethics officers," to improve relations between the COE and Miami-Dade's cities.

He reported on the municipal luncheon held in June on the Sunshine Law that attracted 50 attendees and announced the next event will focus on election law and will feature recently-appointed Elections Supervisor Christina White and Assistant County Attorney Oren Rosenthal. It will be held on Thursday, September 8, 2016 at 94<sup>th</sup> Aero Squadron and Mr. Centorino encouraged Ethics Commissioners to attend.

Regarding Miami Beach lobbyist appeals, which takes up so much time and effort from the Ethics Commission staff and board, he stated that the Miami Beach City Commission is considering putting a measure on the ballot to change the law and he would speak in favor of it that afternoon before the city commission.

## **IX. Complaints**

Advocate Michael Murawski presented a request from Stephen Herbits to rehear his complaint (C 15-27) for which Commissioners found No Probable Cause in March. Attorney Samuel Dubbin presented the argument and, after much discussion, Vice Chair Cutler made a motion to permit the board to reconsider the No Probable Cause determination at a future meeting. It was seconded by Commissioner Narine and approved 3-2 (Chair Schwartz and Commissioner Bellido voted no).

Mr. Murawski presented a Probable Cause stipulation and proposed settlement from a division chief in Miami-Dade's Department of Regulatory and Economic Resources who admitted she asked employees in her unit to help her on projects related to her son's wedding. In the settlement to the complaint (C 16-08), Mallika Muthiah agreed not to contest the allegation and accept a Letter of Reprimand. Commissioner Bellido made a motion to approve the settlement. It was seconded by Vice Chair Cutler and unanimously approved (5-0).

Mr. Murawski presented a Letter of Instruction for Miami-Dade Firefighter Angel Luna, who, in May, agreed to settle a complaint (C 16-13) that he engaged in outside employment since 2010 without seeking permission each year and without filing an annual financial disclosure form. The Letter noted that Mr. Luna received ethics training at least twice on those rules, so there is no excuse why he "failed to follow this simple requirement." Commissioner Bellido made a motion to ratify the Letter. It was seconded by Vice Chair Cutler and unanimously approved (5-0).

Mr. Murawski presented a Stipulation to Probable Cause and recommended that a complaint (C 16-20) that Miami Police Chief Rodolfo Llanes violated the Conflict of Interest and Code of Ethics Ordinance by failing to report as gifts free tickets he was given to a concert last fall be dismissed with a Letter of Instruction. Vice Chair Cutler made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (5-0).

### **The Ethics Commission convened in closed session at 12:30 p.m. Commissioners returned to open session at 12:36 p.m., and took the following actions:**

- Vice Chair Cutler made a motion to approve the request by Advocate Murawski to appoint Laudelina Fernandez-McDonald, an attorney with the Office of the Inspector General, to render a probable cause determination in a complaint (C 16-21) in which Mr. Murawski believes he may be a witness. It was seconded

by Commissioner Narine and unanimously approved (4-0 Bellido recused).

- Vice Chair Cutler made a motion to approve the advocate's request for extension of time to determine probable cause in **C 16-12 (A) and (B), C 16-15, C 16-16 and C 16-17**. It was seconded by Commissioner Narine and unanimously approved (5-0).

- Commissioner Narine made a motion to dismiss **C 16-18** as Not Legally Sufficient because it did not identify violations of the Conflict of Interest and Code of Ethics Ordinance. The motion was seconded by Vice Chair Cutler and unanimously approved (5-0).

- Vice Chair Cutler made a motion to approve a continuance requested by the respondent and agreed to by the advocate for **C 16-19**. The motion was seconded by Commissioner Narine and unanimously approved (5-0).

- Vice Chair Cutler made a motion to approve the special advocate's request for extension of time to determine probable cause in **C 16-21**. It was seconded by Commissioner Narine and unanimously approved (4-0 Bellido recused).

- Vice Chair Cutler made a motion to dismiss **C 16-22** as Not Legally Sufficient because it did not identify violations within the jurisdiction of the Ethics Commission. The motion was seconded by Commissioner Bellido and unanimously approved (5-0).

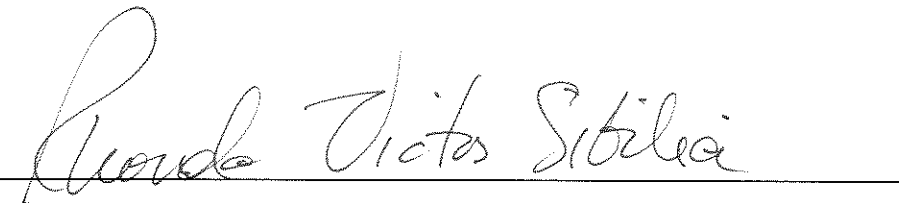
- Commissioner Narine made a motion to dismiss **C 16-23 A & B** as Not Legally Sufficient because the complaint included allegations of election and Sunshine Law violations that are not within the jurisdiction of the COE. The motion was seconded by Vice Chair Cutler and unanimously approved (5-0).

#### **X. Other Business**

None.

#### **XI. Adjournment**

There being no further business, the meeting adjourned at 12:38 p.m.



Prepared by Rhonda Victor Sibilia, Communications Director