



For Immediate Release: December 16, 2016
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Fire Captain chastised

The Miami-Dade County Commission on Ethics and Public Trust (COE) today approved a Letter of Instruction for a Miami-Dade Fire Rescue officer who settled a complaint (**C 16-19**) accusing him of exploiting his official position by parking and electrically charging his personal recreational vehicle in the station he commands. In October, Capt. Nelson Paganacci agreed to not contest the ethics violation of “exploitation of official position” and paid a \$500 dollar fine. The Letter explains that Capt. Paganacci’s action to move a department vehicle from the station garage to make room for his RV exploited County resources for his personal benefit and expects this experience will guide his future conduct to set a better example for those under his command.

The COE also approved a Letter of Instruction to Surfside Town Manager Guillermo Olmedillo who admitted, in response to a complaint (**C 16-24**), that he failed to file Outside Employment Disclosures in 2014 and 2015. Since he immediately fulfilled the requirement, the Letter advises that individuals like him in leadership positions should be aware of requirements in the County Code and that Olmedillo use this experience to guide his future conduct and set an example for the employees in the town of Surfside.

Ethics Commissioners confirmed the finding of No Probable Cause to a complaint (**C 16-37**) filed by a candidate for a North Bay Village commission seat and his wife filed against Jorge Gonzalez, Village Vice Mayor, who was running for the Mayor’s seat. They alleged that Gonzalez violated the Ethical Campaign Practices Ordinance by making false statements about the couple during a public meeting on October 24, 2016. The candidate, Jose Alvarez (who won election for a commission seat) and his wife, Mary Kramer, requested an expedited hearing on the issue. It was heard on Monday, Nov. 7, 2016, by Special Mediator, former Florida Supreme Court Chief Justice Gerald Kogan, who dismissed the alleged violation of the Fair Campaign Practices Ordinance since the couple could not prove the remarks were made with “actual malice.” Today, the COE affirmed Judge Kogan’s ruling and dismissed the complaint.

No Probable Cause was found to a complaint (**C 16-32**) filed against Travis Kalanick, the Chief Executive Officer of Uber, for lobbying a County Commissioner without being properly registered. The investigation determined that the evidence did not show that the contacts made by Mr. Kalanick in the Fall of 2013 involved attempts to influence pending decisions, and therefore, did not fall under the legal definition of lobbying. The complaint was dismissed.

The COE dismissed a complaint (**C 16-21**) filed against Ethics Commission Executive Director Joseph Centorino by the attorney for Palmetto Bay Vice Mayor John Dubois, following an investigation by Special Advocate Laudelina Fernandez McDonald of the Office of the Inspector General. Attorney Jeffrey Leary accused Mr. Centorino of violating the ‘Truth in Government’ and ‘Right to be Heard’ provisions of the Citizens Bill of Rights when advising Vice Mayor Dubois on a voting conflict regarding a Palmetto Bay land use issue. The Special Investigator called the attorney’s assumptions “erroneous,” and found insufficient evidence to support those allegations, especially since an ethics investigation into the Vice Mayor’s subsequent vote is ongoing. The complaint also alleged a violation of the Ethics Commission Rules of

Procedure, but that cannot be an actionable offense under the COE's jurisdiction, so that was dismissed for Lack of legal Sufficiency.

A complaint (**C 16-36**) filed by an employee of Miami-Dade's Public Works and Waste Management Department alleging retaliation by some of his supervisors was found to be Not Legally Sufficient and dismissed. The sanitation truck driver reported what he considered dangerous activities to the Office of the Inspector General in 2013 that were substantiated. Since then, the driver claims he has been "bullied" and worked in a hostile environment. But because he has received satisfactory evaluations and has not been disciplined, he has not suffered "adverse personnel action," as defined by the County's Employee Protection Ordinance.

In response to a Request for Opinion (**RQO 16-04**) from the Elections Department, the COE determined that a process may be developed for certain public employees and officials who are required to file a County financial disclosure statement to do so soon after ending their service. Currently, they must file the disclosures by July first of the year following their work, but there is no process in place that permits them to file before the calendar year ends. That may pose administrative problems when filers separate from their local public duties early in a year and change address or simply forget to file by July of the next year.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

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