

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of December 14, 2017

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on December 14, 2017. Present were Chairman Lawrence Schwartz, Vice-Chair H. Jeffrey Cutler and Commissioners Judith Bernier and Carol Zeiner. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Martha Perez and Radia Turay, Staff Attorneys; Rhonda Victor Sibilia, Communications Director; Rachelle Ross, Executive Secretary; Nilda Olmo, Investigator; and 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

Vice-Chair Cutler made a motion to approve the minutes of the November 9, 2017, meeting. It was seconded by Commissioner Zeiner and unanimously approved (4-0).

II. Public Comment

None.

III. Section Eight Requests

Staff Attorney Diaz-Greco had one request from a woman to contract under the federally-funded Section 8 program, but since she is not employed by Miami-Dade County, the COE has no jurisdiction over the issue.

IV. Housing requests

Staff Attorney Diaz-Greco presented the requests of four 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 three requests be approved, with the fourth found outside COE jurisdiction. Vice-Chair Cutler made a motion to approve the recommendation. It was seconded by Commissioner Zeiner and unanimously approved (4-0).

V. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from October 28th through November 30th, of which two – INQ 17-246 and INQ 17-265 -- were briefly discussed.

VI. Miami Beach Lobbyist Appeals

Staff Attorney Martha Perez presented an appeal from Rosa de la Camara who was fined \$22,200 by the City of Miami Beach, for failing to file expenditure and compensation statements required by registered lobbyists by the deadline and recommended the fine be reduced to 1% or \$222. Ms. De la Camera apologized and appealed for a total waiver. Vice-Chair Cutler made a motion to approve the staff recommendation. It was seconded by Commissioner Bernier and unanimously approved (3-0 Zeiner recused due to a possible appearance of a conflict).

VII. Executive Director's Report

--Executive Director Joseph Centorino shared the request from Commissioner Zeiner to change the monthly meeting day to Wednesday from Thursday and also asked that the January meeting be held in the third week,

instead of the second week. The next meeting will be Wednesday, January 17, 2018. All meetings thereafter will be held at 10 a.m. on the second Wednesday of each month.

--Staff Attorney Diaz-Greco reported on her attendance at the annual COGEL conference in Toronto the previous week, noting that the COE was recognized for the Civility Oath, Honor Code and other recent actions of significance.

--Mr. Centorino discussed a proposed bill that needs to be tracked during the upcoming Florida Legislative session that would create a statewide lobbyist registration system that would replace the county registration process and cost the COE some revenue.

--He stated that the Conflict of Interest and Code of Ethics Ordinance is outdated and that he's been meeting with COE's liaison at the County Attorney's Office to come up with, mostly house-keeping, but also some substantive changes that will be brought to the Ethics Commission early in the coming year. Mr. Centorino also mentioned a proposal moving through the Board of County Commissioners that would exempt lobbyists from non-profit organizations from paying the \$100 fee for lobbyist training.

--Mr. Centorino reported that the Miami City Commissioner is in the process of amending its lobbying ordinance to bring it more in line with the County's lobbying ordinance.

VIII. Complaints

-- Advocate Michael Murawski presented a request from Benedict Kuehne, attorney for Frantz Pierre, requesting a continuance of the public hearing on **C 16-34** due to Mr. Pierre's health issues. Vice-Chair Cutler made a motion to approve the continuance and hold a status conference on the complaint at the January meeting. It was seconded by Commissioner Zeiner and unanimously approved (**4-0**).

-- Mr. Murawski presented a settlement with North Bay Village Commissioner Eddie Lim for **C 17-29** for which Probable Cause was found last month. Commissioner Lim pleaded No Contest and will accept a Letter of Instruction for representing his condominium association before a Special Magistrate of the Village. The second count of the complaint was dismissed due to the Commissioner's reliance on inaccurate advice from the Village Attorney. Vice-Chair Cutler made a motion to approve the settlement. It was seconded by Commissioner Zeiner and unanimously approved (**4-0**).

The Ethics Commission convened in closed session at 10:40 a.m. Commissioners returned to open session at 11:05 a.m. and took the following action:

--Vice-Chair Cutler made a motion to grant an extension to find Probable Cause for **C 17-26**. The motion was seconded by Commissioner Bernier and unanimously approved (**3-0** Zeiner absent).

-- Commissioner Zeiner made a motion to find No Probable Cause on a complaint (**C 17-27**) filed against Miami Shores Village Councilman Steven Zelkowitz alleging several voter registration and residency violations and engaging in a voting conflict. The voter registration issue is not within the jurisdiction of the Ethics Commission, so it was dismissed for Lack of Legal Sufficiency. The facts of the allegation that Mr. Zelkowitz lied

about his residence were insufficient to prove a violation of the Citizens' Bill of Rights, and the investigation found no grounds for the conflict claim, so both were dismissed for lack of Probable Cause. The motion was seconded by Commissioner Bernier and unanimously approved (3-0 Schwartz recused because of the possible appearance of a conflict).

-- Vice-Chair Cutler made a motion to accept a settlement to a complaint (C 17-28) against the head of a company seeking to operate the hotel at Miami International Airport. Carlos Rodriguez, CEO of Driftwood Acquisitions and Development, agreed not to contest the allegation that he violated Miami-Dade County's "Cone of Silence" ordinance when he contacted a deputy aviation director about the Request for Qualifications without filing a copy with the Clerk of the Board, as required by the ordinance. As part of the settlement, Rodriguez will accept a written Reprimand. The motion was seconded by Commissioner Bernier and unanimously approved (3-0 Zeiner absent).

-- Vice-Chair Cutler made a motion to find No Probable Cause to a complaint (C 17-30) alleging that North Bay Village Commissioner Douglas Hornsby and former Village Attorney Robert Switkes violated the Truth in Government provision of the Miami-Dade Citizens' Bill of Rights. The complaint concerns Hornsby's drug-related conviction in 1990 in Tennessee and the restoration of his voting rights in 2005 by that state. The ethics investigation concluded that the allegations that both men lied during public meetings were unfounded. The motion was seconded by Commissioner Bernier and unanimously approved (3-0 Zeiner absent).

-- Vice-Chair Cutler made a motion to find No Probable Cause to a complaint (C 17-31) against North Bay Village Councilman Eddie Lim and No Legal Sufficiency for a charge levied against Village Manager Frank Rollason regarding comments made at an October meeting. The motion was seconded by Commissioner Bernier and unanimously approved (3-0 Zeiner absent).

--Commissioner Zeiner made a motion to find No Legal Sufficiency to a complaint (C 17-33) alleging that the Village of Miami Shores has failed to enforce the lobbying regulations of its own charter because it does not allege a specific violation under the Ethics Commission jurisdiction. However, Ethics Commission members agreed with a staff finding that the Miami Shores' lobbying ordinance is not consistent with the minimum standards required by the County Conflict of Interest and Code of Ethics Ordinance. The Village Attorney and Village Manager stated they are working with COE staff to bring the Miami Shores code into compliance. The motion was seconded by Commissioner Bernier and unanimously approved (3-0 Schwartz recused because of the possible appearance of a conflict).

--Vice-Chair Cutler made a motion to grant a defense request for a continuance for C 17-34. The motion was seconded by Commissioner Bernier and unanimously approved (3-0 Zeiner absent).

IX. Performance Review – COE Executive Director

Executive Director Centorino presented a review of activities and accomplishments during the past year. Vice Chair Cutler made a motion to grant the budgeted 4.3% merit increase. His motion was seconded by Commissioner Bernier and unanimously approved (4-0).

X. Election of COE Chair

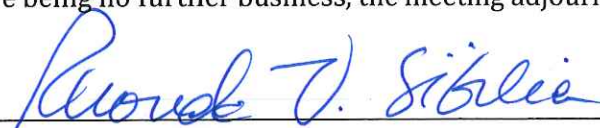
Executive Director Centorino and Vice-Chair Cutler presented a plaque to Judge Schwartz noting that, during his two-year term as Ethics Commission Chair, he brought professionalism, fairness, dignity and efficiency to the meetings.

Commissioner Zeiner nominated Jeffrey Cutler to serve as Chair. Commissioner Bernier seconded and the vote was unanimous (4-0).

Vice-Chair Cutler nominated Nelson Bellido to serve as vice-chair. Commissioner Bernier seconded and the vote was unanimous (4-0).

XI. Adjournment

There being no further business, the meeting adjourned at 11:16 a.m.



Prepared by Rhonda Victor Sibilia, Communications Director