



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of February 12, 2020

The Miami-Dade Commission on Ethics (COE) convened in the Miami Dade County Main Library, 1st Floor Auditorium, located at 101 West Flagler Street, Miami, Florida on February 12, 2020. Present were Chairman Nelson C. Bellido, Vice Chair Judith Bernier, and Commissioners Jan Jacobowitz and Wifredo Gort. Also present were Jose Arrojo, Executive Director; Michael Murawski, Advocate; Martha Perez, General Counsel; Gilma Diaz-Greco and Radia Turay, Staff Attorneys; Leonardo Mendoza, Public Information Officer; Rachelle Ross, Commission Clerk; Investigator Nilda Olmo; Investigator Karl Ross; and members of the public. The meeting was called to order at 10:04 a.m. by Chairman Bellido. A quorum was present.

I. Approval of Minutes

Commissioner Jacobowitz made a motion to approve the minutes of the January 8, 2020, meeting. Commissioner Bernier seconded it and it was unanimously approved **(4-0)**.

II. Public Comment

None

III. Section 8 Requests

Staff Attorney Diaz-Greco presented requests from three individuals in the month of January wishing to contract under the federally funded Section 8 program. In the case of those individuals, neither they nor any of their immediate family members are employed by the Miami-Dade Public Housing and Community Development Department, so Staff Attorney Diaz-Greco recommended they be approved. Commissioner Bernier moved to approve the recommendation. It was seconded by Commissioner Jacobowitz and unanimously approved **(4-0)**.

IV. Public Housing and Community Development Housing Assistance Inquiries

Staff Attorney Diaz-Greco presented requests from four individuals in the month of January wishing to contract under the federally funded Section 8 program. In the case of the four individuals, neither they nor any of their immediate family members are employed by the Miami-Dade Public Housing and Community Development

Department, so Staff Attorney Diaz-Greco recommended they be approved. Commissioner Gort moved to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

V. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE for January 2019 and discussed **INQ 20-06** involving Alicia Anderson, the Director of Contracts for TELCOR, a company that has a contract with Jackson Health Systems whose terms provide for its automatic renewal on an annual basis. Ms. Anderson was inquiring whether TELCOR employees had to register as Lobbyists. Ms. Anderson was advised that a vendor which solely responds and agrees to JHS' option to extend their agreement, without any attempt to influence, advocate or negotiate any of the contractual terms, would not be required to register as a lobbyist.

VI. Executive Director's Report

- Ethics Commission Executive Director, Jose Arrojo, made a presentation regarding **INQ 20-04** and Section 2-11.1 (e) of the County Ethics Code, relating to gifts, and its application to a County elected official's receipt of tickets to the Super Bowl game. In this opinion, Section 2-11.1 (e), allowed County Mayor Carlos Gimenez to accept Super Bowl tickets from Stephen Ross given there was no evidence that the offer or acceptance of the gift was part of a defined *quid pro quo* transaction. Additionally, although the disclosure of the gift may not have been required, the opinion recommended that the gift be disclosed.

Mr. Arrojo requested policy guidance regarding "appearance of impropriety and best practices" recommendations when the Ethics Code does not specifically prohibit conduct, but the conduct may negatively impact the public's trust in local government. Commissioner Jacobowitz suggested that there may be occasions where providing "best practices" recommendations would be appropriate.

- Ethics Commission Executive Director, Jose Arrojo, made a presentation regarding the COE's non-disclosure policy that seeks to protect the identity of alleged violation reporting individuals. Mr. Arrojo requested policy guidance regarding the current practice that seeks to encourage individuals, including department heads and elected officials, to contact the Ethics Commission without fear of reprisal by providing anonymity. Section 112.324, Florida Statutes, relating to the public records exemption for pending ethics investigations was also discussed.

- General Counsel Martha Perez provided a brief summary of laws of interest to the Commission that became effective in January 2020.

- Ethics Commission Executive Director, Jose Arrojo, made a presentation regarding County Commission Resolution R-499-16, and new state laws requiring mandatory ethics training for local Community Redevelopment Agencies (CRAs). Mr. Arrojo explained that meetings between COE lawyers, representatives from the County, the various

CRAs, and municipal lawyers will take place to determine to what extent the County Ethics Ordinance applies to CRAs and how the COE can offer ethics training to CRAs in compliance with new state laws.

VII. Complaints (In Open Session)

General Counsel Martha Perez presented a Motion to Ratify Letters of Instruction in cases **(C 19-40-10)** and **(C 19-41-10)**. Commissioner Bernier made a motion to ratify both Letters of Instruction. Commissioner Gort seconded the motion and it was unanimously approved **(4-0)**.

At 11:02 AM, the Commission went into closed session.

Advocate Michael Murawski presented a Motion to Approve a Finding of No Legal Sufficiency in complaint **(C 19-50-12)** In open session Commissioner Bernier made a motion to approve the findings of No Legal Sufficiency. It was seconded by Commissioner Gort and unanimously approved **(4-0)**.

Advocate Murawski presented a Motion to Approve a Finding of No Legal Sufficiency in complaint **(C 19-51-12)**. In open session Commissioner Gort made a motion to approve the findings of No Legal Sufficiency. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

Advocate Murawski presented a Motion to Approve a Finding of No Legal Sufficiency in complaint **(C 19-52-12)**. In open session Commissioner Gort made a motion to approve the findings of No Legal Sufficiency. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

General Counsel Perez presented a Motion to Approve a Finding of No Legal Sufficiency in complaint **(C 19-47-11)**. In open session Commissioner Bernier made a motion to approve the findings of No Legal Sufficiency. It was seconded by Commissioner Gort and unanimously approved **(4-0)**.

Advocate Murawski presented a Motion to Approve a Defense Continuance in complaint **(C 19-39-10)**. In open session Commissioner Bernier made a motion to approve the Motion for Continuance. It was seconded by Commissioner Jacobowitz and unanimously approved **(4-0)**.

Advocate Murawski presented a Motion to Dismiss complaint **(C 20-01-01)**. The commission asked that the case be Dismissed with a Letter of Instruction. Commissioner Gort made a motion to Dismiss the complaint with a Letter of Instruction. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

Advocate Murawski presented a Motion to Approve a Finding of No Legal Sufficiency in complaint **(C 20-04-01)**. In open session Commissioner Gort made a motion to approve the findings of No Legal Sufficiency. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

VIII. Old Business

None

XI. Adjournment

There being no further business, the meeting adjourned at 11:36PM.

Prepared by Leonardo Mendoza, Public Information Officer