



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of September 9, 2020

The Miami-Dade Commission on Ethics & Public Trust (COE) held a virtual meeting on September 9, 2020, by way of the Zoom virtual platform. Present were Chairman Nelson C. Bellido, Vice Chairwoman Judith Bernier, Commissioners Jan Jacobowitz, Lawrence Schwartz, and Wifredo Gort. Also present were Jose Arrojo, Executive Director; Michael Murawski, Advocate; Martha Perez, General Counsel; Gilma Diaz-Greco, Radia Turay, and Loressa Felix, Staff Attorneys; Leonardo Mendoza, Public Information Officer; Rachelle Ross, Commission Clerk; Investigators Nilda Olmo and Susannah Nesmith; and members of the public. The meeting was called to order at 10:02 a.m. by Chairman Bellido. A quorum was present.

I. Moment of Silence in Remembrance of Machell Anderson

The Commission meeting took a brief pause in remembrance of Machell Anderson, a member of the Ethics Commission staff and family who unexpectedly passed away in October. Machell served this community for over 35 years with the Miami-Dade State Attorney's Office, supporting trial lawyers, witnesses, victims, and next-of-kin before returning from retirement to join the Ethics Commission staff in 2019. Chairman Bellido specifically remembered Machell as a quiet leader with a great smile who was always there to hold the executive director up.

II. Approval of Minutes

Commissioner Schwartz made a motion to approve the minutes of the August 12, 2020, meeting. Commissioner Gort seconded it and it was unanimously approved **(5-0)**.

III. Resolution Recognizing Mary Terpstra Cagle, Miami-Dade Inspector General

The Ethics Commission passed a resolution recognizing outgoing Miami-Dade Inspector General Mary Terpstra Cagle. Chairman Bellido spoke of Mary's commitment to the community and mentioned that those who have been fortunate to have worked with Mary know her as a strong and competent leader.

IV. Public Comment

None

V. Section 8 Landlord Requests

Staff Attorney Diaz-Greco presented one request from an individual in the month of June wishing to contract under the Federally funded Section 8 Program. In the case of that individual, neither she nor any of her immediate family members were employed by the Miami-Dade Public Housing and Community Development Department, so Staff Attorney Diaz-Greco recommended that she be approved. Commissioner Schwartz moved to approve the recommendation. It was seconded by Commissioner Gort and unanimously approved **(5-0)**.

VI. Public Housing and Community Development Housing Assistance Inquiries

Staff Attorney Diaz-Greco presented a request from three individuals for the month of July seeking assistance through a program overseen by the Miami-Dade Public Housing and Community Development Department. In the case of these three County employees, since neither they nor any of their immediate family members oversee or administer the program, Staff Attorney Diaz-Greco recommended approval. Commissioner Schwartz moved to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved **(5-0)**.

VII. Monthly Summary of Inquiries

Chairman Bellido asked for an explanation of the facts in **INQ 20-77**. Executive Director Arrojo explained that the inquiry was made by City of Miami Attorney Victoria Mendez who was asking whether City of Miami Commissioner Joe Carollo, who is currently represented by Ben Kuhene in litigation against a City Charter Officer, had a prohibited voting conflict that would preclude his consideration and vote on waiving dual representation conflicts and allowing for Mr. Kuhene's retainer as outside counsel for the city in the lawsuit.

Ms. Mendez was advised that because the City is not seeking to designate Mr. Kuhene as a city contractor under the Ethics Code, then if the City retains him as outside counsel in the lawsuit, then he would not be a covered party under the County Ethics Code and would not be subject to the Ethics Code's various provisions.

Furthermore, applying rationale from previous opinions, Ms. Mendez was advised that Commissioner Carollo did not have a voting conflict pursuant to the Ethics Code that would prohibit his consideration and vote on dual representation conflicts and Mr. Kuhene's retainer as outside counsel for the City in the

lawsuit.

At the request of Commissioner Bernier, Staff Attorney Gilma Diaz-Greco provided a brief update on the implementation of the online outside employment filing requirement for County employees.

VIII. Executive Director's Report

- Executive Director Jose Arrojo provided an update on the Final Board of County Commissioners Meeting regarding the 2020-2021 budget and the COE's budget allotment. Mr. Arrojo stated that during the meeting, the COE allotment was not discussed.
- Mr. Arrojo advised the Commissioners that the COE office has moved to its new location at the Overtown Transit Village North Tower and that the office is now operational. The Commission was also advised that there are still some materials that need to be cleared out of the old building and that the new Commission chambers are much more comfortable.
- Mr. Arrojo presented new Staff Attorney Loressa Felix who joins the COE after spending seven years in different capacities at the State Attorney's Office and four years in private practice, as a principal in her own firm and as a firm associate.

IX. Complaints (In Open Session)

Advocate Michael Murawski presented a status hearing on case **(C 18-17-04)** involving State Representative Michael Grieco. The COE decided to set the hearing on September 25th by way of the Zoom virtual platform.

All parties agreed to a continuance on case **(C 18-08-01)**.

(AT 11:17AM, the Commission went into closed session)

X. Complaints (In Closed Session)

Advocate Michael Murawski made a recommendation for a finding of No Probable Cause in complaint **(C 20-18-04b)** filed against North Miami Beach Commissioner Michael Joseph. In open session, Commissioner Schwartz moved to approve the finding of No Probable Cause. It was seconded by Commissioner Bernier and unanimously approved **(5-0)**.

Advocate Michael Murawski made a recommendation for a finding of Probable Cause in complaint **(C 20-27-07)** filed against Lobbyist Bernard Zyscovich. In open session, Commissioner Schwartz moved to approve the finding of No Probable Cause with a Letter of Instruction and dismissal the complaint. It was seconded by Commissioner Bernier and unanimously approved **(5-0)**.

Advocate Michael Murawski made a recommendation for a finding of No Probable Cause in complaint **(C 20-28-07)** filed against City of South Miami Attorney Thomas Pepe. In open session, Commissioner Schwartz moved to approve the finding of No Probable Cause. It was seconded by Commissioner Bernier and unanimously approved **(5-0)**.

Advocate Michael Murawski made a recommendation for a finding of No Probable Cause in complaint **(C 20-30-08)** filed against Village of El Portal Interim Village Attorney Norman Powell. In open session, Commissioner Schwartz moved to approve the finding of No Probable Cause. It was seconded by Commissioner Bernier and unanimously approved **(5-0)**.

Advocate Michael Murawski made a Motion for Extension of Time in a complaint **(C 20-32-08)** filed against Miami-Dade County Commissioner Eileen Higgins. Commissioner Schwartz moved to approve the Motion for Extension of Time. It was seconded by Commissioner Bernier and unanimously approved **(5-0)**.

General Counsel Martha Perez made a recommendation to Dismiss complaint **(C 20-25-07)** for Lack of Legal Sufficiency. Commissioner Jacobowitz pointed out that there were some exhibits missing in the complaint that she would like to consider and suggested that the matter be set aside until the next commission meeting. In open session, Commissioner Schwartz moved to put the matter on the October calendar. It was seconded by Commissioner Bernier and unanimously approved **(5-0)**.

General Counsel Martha Perez made a recommendation to Dismiss complaint **(C 20-26-07)** for Lack of Legal Sufficiency. In open session, Commissioner Schwartz moved to approve the dismissal of the complaint due to Lack of Legal Sufficiency. It was seconded by Commissioner Bernier and unanimously approved **(5-0)**.

General Counsel Martha Perez made a recommendation to Withdraw complaint **(C 20-29-07)** at the request of the complainant. In open session, Commissioner Schwartz moved to approve the withdrawal of the complaint. It was seconded by Commissioner Bernier and unanimously approved **(5-0)**.

General Counsel Martha Perez made a recommendation to Dismiss complaint **(C 20-31-08)** for Lack of Legal Sufficiency. In open session, Commissioner Schwartz moved to approve the dismissal of the complaint due to Lack of Legal Sufficiency. It was seconded by Commissioner Bernier and unanimously approved **(5-0)**.

XI. Subpoena Requests

Advocate Michael Murawski made a subpoena request on case **(PI 20-10)**. The request was granted.

VII. Old Business

None

VIII. Adjournment

There being no further business, the meeting adjourned at 12:06PM.