



# MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

## Summary of Minutes and Agenda Actions

### Meeting of September 8, 2021

The Miami-Dade Commission on Ethics & Public Trust (COE) held a meeting on September 8, 2021. Physically present were Chairman Nelson C. Bellido, Vice Chairwoman Judith Bernier, Commissioner Charlton Copeland, and Commissioner Wifredo Gort. Also present were José Arrojo, Executive Director; Martha Perez, General Counsel; Radia Turay, Advocate, Gilma Diaz-Greco, Staff Attorney; Leonardo Mendoza, Public Information Officer; Rachelle Ross, Commission Clerk; Investigators Nilda Olmo, Rodney Vega, and Susannah Nesmith; and members of the public. The meeting was called to order at 10:00 a.m. by Chairman Bellido. A quorum was present.

#### I. Approval of Minutes

Commissioner Bernier made a motion to approve the minutes of the July 14, 2021, meeting. Commissioner Gort seconded it and it was approved **(3-0)**. *(Commissioner Copeland was not present for this vote but arrived after)*

#### II. Public Comment

None.

#### III. Summary of Section 8 Landlord Requests

Staff Attorney Gilma Diaz-Greco presented two requests from County employees in the month of July and August wishing to contract under the Federally- funded Section 8 Program. In the case of these individuals, neither they nor any of their immediate family members were employed by the Miami-Dade Public Housing and Community Development Department, so Staff Attorney Diaz- Greco recommended approval. Commissioner Bernier moved to approve the recommendation. It was seconded by Commissioner Gort and unanimously approved **(4-0)**.

#### **IV. Public Housing and Community Development Housing Assistance Inquiries**

Staff Attorney Diaz-Greco presented a request from three individuals for the months of July and August seeking assistance through a program overseen by the Miami-Dade Public Housing and Community Development Department. In the case of two County employees, since neither they nor any of their immediate family members oversee or administer the program, Staff Attorney Diaz-Greco recommended approval. In the case of the third individual, an employee of the Florida Department of Education, the COE does not have jurisdiction over the matter. Commissioner Gort moved to approve the recommendation. It was seconded by Commissioner Gort and unanimously approved **(4-0)**.

#### **V. Monthly Summary of Inquiries**

Staff Attorney Gilma Diaz-Greco presented a Summary of Inquiries by the COE for July and August and presented **INQ 21-102**. In this request for an informal opinion, Zerry Ihekwaba, the City of Miami Deputy Manager, inquired as to whether he may engage in political campaign activities in support of his spouse's judicial election campaign, to specifically include fundraising.

Mr. Ihekwaba was advised that political activity in support or opposition of a candidate or cause is protected by the First Amendment and as such, the County Ethics Code does not prohibit County or municipal employees from engaging in political activities outside the workplace. However, he was advised that he must adhere to restrictions placed on government workers under County policy and State law. Political campaigning should follow the limitations imposed by Florida Statutes, Miami-Dade Conflict of Interest and Code of Ethics Ordinance, and any other applicable regulations.

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

- COE Executive Director Jose Arrojo introduced newly hired Staff Attorney Nolen "Drew" Bunker and Lead Investigator Kelly Reid.
- Executive Director Arrojo stated that there will be two public County budget hearings forthcoming and he will be attending both to answer any questions regarding the COE's portion of the County budget which is currently 2.8 million dollars.
- Executive Director Arrojo mentioned that this is the time of year when Commission begins tabulating statistics and gathering material for the COE annual report. Director Arrojo welcomed any input from the commissioners in terms of material that they feel should be included in the report.

- Executive Director Arrojo also stated that Commission staff is currently working with the County's IT Department in the production of a new COE website and also welcomed any input from the commissioners in terms of material that they feel should be included in the new website.
- Executive Director Arrojo introduced second- year law student at the University of Miami, Kendal McElfish, who will be working on an externship at the COE under the supervision of Staff Attorney Loressa Felix.

## **VII. RQO 21-01 Amended Memorandum**

Anthony Escarra, the Deputy Chief of Staff for Commissioner Raquel Regalado, advised the Commission that Commissioner Regalado is requesting that the matter regarding RQO 21-01 be deferred to the next Commission meeting so that she can be present to discuss the item. The commissioners did not object to the request.

## **VIII. C19-05-02 In Re: John Riley – Corrected Motion to Stay (Counsel for Respondent)**

General Counsel Martha Perez presented no objection to Respondent's counsel's request to reset the item for the October Commission meeting. Despite Respondent's request to appear by phone at the next meeting, the Commission also decided to provide the Respondent and his Counsel with the opportunity to appear via Zoom. Commissioner Copeland moved to accept the offer of a virtual attendance. The motion was seconded by Commissioner Gort and unanimously approved **(3-0)**. Chairman Bellido recused himself from this matter as he was not involved in the trial.

## **IX. Complaints (In Closed Session)**

General Counsel Martha Perez made a recommendation to dismiss complaint **(C 21-19-07)** for lack of legal sufficiency. In open session, Commissioner Copeland moved to approve the dismissal of the complaint due to lack of legal sufficiency. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

General Counsel Martha Perez made a recommendation to dismiss complaint **(C 21-21-08)** for lack of legal sufficiency. In open session, Commissioner Copeland moved to approve the dismissal of the complaint due to lack of legal sufficiency. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

Advocate Radia Turay presented a Stipulation to a finding of Probable Cause and Settlement Agreement in complaint **(C 21-11-05)**. In open session, Commissioner Copeland made a motion to accept the Stipulation to a Finding of Probable Cause; accept the Settlement Agreement; dismiss the Complaint, and the Respondent be issued a Letter of Instruction. It was seconded by Commissioner Gort and unanimously approved **(3-0)**. Chairman Bellido recused himself from this matter.

Advocate Radia Turay presented a Stipulation to a finding of Probable Cause and Settlement Agreement in complaint **(C 21-13-05)**. In open session, Commissioner Copeland made a motion to accept the Stipulation to a Finding of Probable Cause, and accept the Settlement Agreement . It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

Advocate Radia Turay presented a Stipulation to a finding of Probable Cause and Settlement Agreement in complaint **(C 21-22-08)**. In open session, Commissioner Copeland made a motion to accept the Stipulation to a Finding of Probable Cause, and accept the Settlement Agreement . It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

Advocate Radia Turay presented a Motion for Extension of Time in complaint **(C 21-15-06)**. Commissioner Copeland moved to approve the Motion for Extension of Time. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

Advocate Radia Turay presented a Motion for Extension of Time in complaint **(C 21-17-07)**. Commissioner Copeland moved to approve the Motion for Extension of Time. It was seconded by Commissioner Gort and unanimously approved **(4-0)**.

Advocate Radia Turay presented a Motion for Extension of Time in complaint **(C 21-18-07)**. Commissioner Copeland moved to approve the Motion for Extension of Time. It was seconded by Commissioner Gort and unanimously approved **(4-0)**.

Advocate Radia Turay presented a Motion for Extension of Time in complaint **(C 21-20-07)**. Commissioner Copeland moved to approve the Motion for Extension of Time. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

**X. Subpoena Requests**

None.

**XI. Old Business**

None.

**XII. Adjournment**

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

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Prepared by Leonardo Mendoza, Public Information Officer