



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of April 13, 2022

The Miami-Dade Commission on Ethics & Public Trust (COE) held a meeting on April 13, 2022. Physically present were Chairwoman Judith Bernier, Vice Chair Wifredo Gort, Commissioner Nelson Bellido, and Commissioner Charlton Copeland. Also present were José Arrojo, Executive Director; Martha Perez, General Counsel; Radia Turay, Advocate, Loressa Felix, Staff Attorney; Drew Bunker, Staff Attorney; Etta Akoni, Staff Attorney; Leonardo Mendoza, Public Information Officer; Rachelle Ross, Commission Clerk; Investigators Nilda Olmo, Rodney Vega, Susannah Nesmith, Kelly Reid; and members of the public. The meeting was called to order at 10:02 a.m. by Chairwoman Bernier. A quorum was present.

I. Approval of Minutes

Commissioner Bellido made a motion to approve the minutes of the March 9, 2022, meeting. Vice Chair Gort seconded it and it was approved **(3-0)**. *(Commissioner Copeland arrived shortly after this vote.)*

II. Public Comment

None.

III. Summary of Section 8 Landlord Requests

Staff Attorney Etta Akoni presented one request from a County employee in the month of March wishing to contract under the Federally- funded Section 8 Program. In the case of this individual, neither he nor any of his immediate family members were employed by the Miami-Dade Public Housing and Community Development Department, so Commission staff opined there was no jurisdiction.

IV. Public Housing and Community Development Housing Assistance Inquiries

Staff Attorney Drew Bunker presented requests from 14 individuals for the month of March seeking assistance through a program overseen by the Miami-Dade Public Housing and Community Development Department. In the

case of seven of those County employees, since neither they nor any of their immediate family members oversee or administer the program, so Commission staff opined there was no conflict.

V. Monthly Summary of Inquiries

Staff Attorney Loressa Felix presented a Summary of Inquiries by the COE for March and highlighted **INQ 22-40**. In this request for an informal opinion, a Fire Lieutenant at the Miami-Dade Fire Rescue, inquired as to whether he could engage in outside employment as the trustee of the Humberto Aubi Trust and Isabel Trust and contract with the County as a Section 8 landlord.

The Lieutenant was advised that he does not have a conflict of interest regarding his employment at the County and his role as trustee of the H.A. Trust and I.A. Trust because his role as trustee would not impair his independence of judgment in the performance of his County duties.

The Lieutenant was also advised that since he is seeking to contract with the County through the Trust, he may not contract with the County Fire Rescue Department that employs him, and he may not lobby the County for the contract.

VI. Miami Beach Lobbyist Appeals

Miami Beach Lobbyist Reinaldo Borges appealed the imposition of a fine for his failure to file expenditure and compensation statements as required by the City of Miami Beach Lobbyist Ordinance. Commissioner Copeland made a motion approving the staff recommendation for a reduction of the fine in the amount of \$1,466.00. It was seconded by Vice Chair Gort and unanimously approved **(4-0)**.

VII. Executive Director's Report

- Executive Director Jose Arrojo briefed the Ethics Commission regarding proposed revisions to the County Code of Silence section of the County Ethics Code. The proposed revisions would remove current limitations on communications regarding procurement matters by elected officials, County staff, bidders, and lobbyists and would maintain only those restricted communications with procurement selection committee members.

The Ethics Commission provided no policy direction at this point and instead requested to hear from someone from the County's procurement division and from the office of the Commissioner sponsoring the amendments.

- Executive Director Arrojo briefed the Ethics Commission and provided them with a legal memorandum regarding voting conflicts for elected officials arising from traffic mitigation measures. The Commissioners

were advised that the memorandum was shared with members of the municipal bar through the Miami-Dade County League of Cities and that formal guidance from the Ethics Commission would be sought if the application of the voting conflict analysis described in the memorandum to an actual vote resulted in a dispute between the Commission's legal staff recommendation and the elected official seeking guidance.

VIII. Summary of Closed Investigations

COE Advocate Radia Turay presented the Commission with a summary of closed investigations.

IX. Executive Session *(Commissioner Bellido did not vote on these matters as he left the meeting at 11:10AM)*

General Counsel Martha Perez made a recommendation to dismiss complaint **(C 22-09-02)** 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 Vice Chair Gort and unanimously approved **(3-0)**.

General Counsel Martha Perez made a recommendation to dismiss complaint **(C 22-11-02)** 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 Vice Chair Gort and unanimously approved **(3-0)**.

General Counsel Martha Perez made a recommendation to dismiss complaint **(C 22-12-02)** 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 Vice Chair Gort and unanimously approved **(3-0)**.

General Counsel Martha Perez made a recommendation to dismiss complaint **(C 22-13-03)** 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 Vice Chair Gort and unanimously approved **(3-0)**.

Advocate Radia Turay made a recommendation for a finding of No Probable Cause in complaint **(C 22-01-01)**. Commissioner Copeland moved to amend the motion for No Probable Cause to a dismissal for a lack of legal sufficiency. It was seconded by Vice Chair Gort and unanimously approved **(3-0)**.

Advocate Radia Turay presented a Motion for Extension of Time in complaint **(C 22-08-02)**. Commissioner Copeland moved to approve the Request for Continuance. It was seconded by Vice Chair Gort and unanimously approved **(3-0)**.

Advocate Radia Turay presented a Motion for Extension of Time in complaint **(C 22-10-02)**. Commissioner Copeland moved to approve the Request for Continuance. It was seconded by Vice Chair Gort and unanimously approved **(3-0)**.

Commissioner Copeland made a motion grant the issuance of five subpoenas in **PI 20-45** and five subpoenas in **PI 21-57**. It was seconded by Commissioner Gort and unanimously approved **(3-0)**.

X. Open Session

Advocate Radia Turay had no objection to a request for continuance by the respondent in complaint **(C 22-04-02)**. Commissioner Copeland approve the continuance. It was seconded by Vice Chair Gort and unanimously approved **(3-0)**.

XI. Old Business

None.

XII. Adjournment

There being no further business, the meeting adjourned at 11:54 AM.