



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of May 11, 2022

The Miami-Dade Commission on Ethics & Public Trust (COE) held a meeting on May 11, 2022. Physically present were Chairwoman Judith Bernier, Vice Chair Wifredo Gort, Commissioner Charlton Copeland, and Commissioner Lawrence Schwartz. 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 Karl Ross, Rodney Vega, Susannah Nesmith, Kelly Reid; and members of the public. The meeting was called to order at 10:00 a.m. by Chairwoman Bernier. A quorum was present.

I. Approval of Minutes

Vice Chair Gort made a motion to approve the minutes of the April 13, 2022, meeting. Commissioner Schwartz seconded it and it was approved **(4-0)**.

II. Public Comment

None.

III. RQO 2022-02: Thomas Robertson, Esq. on Behalf of Elite Consulting Specialists, Inc.

Staff Attorney Loressa Felix presented a memorandum regarding **RQO 22-02**, directed to Thomas Robertson, Esq. on behalf of Elite Consulting Specialists (ECS) as to whether the nature and services provided by ECS constitutes lobbying activity as defined by Section 2-11.1(s) of the County Ethics Code. Staff Attorney Felix argued that based on the facts presented, ECS' business practices, as described by its counsel in his letter to the COE, detailed ECS' paid representation on behalf of WASD customers for the purposes of correcting billing discrepancies is lobbying activity as defined in the County Ethics Code and therefore requires lobbyist registration with the County.

Attorney Thomas Robertson was present on behalf of Elite Consulting Services and made a presentation in opposition to the COE staff recommendation.

Commissioner Schwartz made a motion to accept the Staff Attorneys recommendation and issue a formal opinion. Vice Chair Gort seconded it and it was approved **(4-0)**.

IV. Summary of Section 8 Landlord Requests

Staff Attorney Drew Bunker presented one request from a County employee in the month of April 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 conflict.

V. Public Housing and Community Development Housing Assistance Inquiries

Staff Attorney Drew Bunker presented requests from 11 individuals for the month of April seeking assistance through a program overseen by the Miami-Dade Public Housing and Community Development Department. In the case of ten of those County employees, since neither they nor any of their immediate family members oversee or administer the program, Commission staff opined there was no conflict. In the case of one individual, the COE had no jurisdiction.

VI. Monthly Summary of Inquiries

Staff Attorney Etta Akoni presented a Summary of Inquiries by the COE for April and highlighted **INQ 22-73**. In this request for an informal opinion, a City Attorney and Assistant City Attorney for the City of Hialeah, inquired as to whether a Hialeah Councilmember who lives in a townhouse development that is just west of a behavioral health hospital may participate and vote on a proposed zoning variance sought by the hospital to increase its size by approximately 30% and number of beds by approximately 28%.

The Attorneys were advised that there are approximately 125 to 130 units in the townhouse development, the member owns and lives in one unit. Using 125 as the number of units for this analysis, the member is one of 125 property owners affected (.08%) and therefore, while close, the member's interest did not reach the threshold of 1% of the size of the class that would generally create a voting conflict. It does not appear that the variance will significantly change the character of the official's neighborhood.

VII. Miami Beach Lobbyist Appeals

Miami Beach Lobbyist Samuel Dubbin appealed the imposition of a fine for his failure to timely file expenditure and compensation statements as required by the City of Miami Beach Lobbyist Ordinance. Commissioner Schwartz made a motion approving the staff recommendation to waive the fine. It was seconded by Vice Chair Gort and unanimously approved **(4-0)**.

VIII. Executive Director's Report

- Chairwoman Judith Bernier recognized outgoing Commissioner Charlton Copeland and presented him with a plaque in appreciation for his years of service to the Miami-Dade County community.
- Executive Director Jose Arrojo presented new COE employees, Investigator Stephanie Vega Saraf and Records Specialist Charmaine Ruiz.
- Executive Director Arrojo briefed the COE on an issue that has arisen in one of the municipalities relating to a citizen's right to be heard before an elected commission on a non-agenda item that is within the government entity's jurisdiction. Executive Director Arrojo advised the Ethics Commission that he was scheduled to meet with the municipality's representatives and that he would report back at an upcoming meeting.
- Executive Director Arrojo communicated to the COE that a Public Service Announcement that was recently recorded at the COE offices is airing on Miami-Dade County cable television channels.
- Executive Director Arrojo stated that a Miami Beach resolution that asks the COE to endorse an amendment to the Ethical Campaign Ordinance be removed from the agenda as requested by Attorney Jean Olin who represents the City of Miami Beach and the sponsoring official because there is more work that needs to be completed.

IX. Summary of Closed Investigations

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

X. Executive Session *(The Commission went into Executive Session at 10:54 AM)*

General Counsel Martha Perez made a recommendation to dismiss complaint **(C 22-14-03)** 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 Vice Chair Gort and unanimously approved **(4-0)**.

General Counsel Martha Perez made a recommendation to dismiss complaint **(C 22-15-03)** 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 Vice Chair Gort and unanimously approved **(4-0)**.

General Counsel Martha Perez made a recommendation to dismiss complaint **(C 22-16-03)** 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 Vice Chair Gort and unanimously approved **(4-0)**.

Advocate Radia Turay made a recommendation for a finding of Probable Cause in complaint **(C 22-24-05)**. In open session, Commissioner Schwartz made a motion to approve the finding of Probable Cause and dismiss the complaint with a Letter of Instruction. The dismissal was based on a finding that the public interest would not be served by proceeding further and the lobbying violations were inadvertent, unintentional, or insubstantial. It was seconded by Vice Chair Gort and unanimously approved **(4-0)**.

Advocate Radia Turay made a recommendation for a finding of Probable Cause in complaint **(C 22-26-05)**. In open session, Commissioner Schwartz made a motion to approve the finding of Probable Cause and dismiss the complaint with a Letter of Instruction. The dismissal was based on a finding that the public interest would not be served by proceeding further and the lobbying violations were inadvertent, unintentional, or insubstantial. It was seconded by Vice Chair Gort and unanimously approved **(4-0)**.

Advocate Radia Turay made a recommendation for a finding of Probable Cause in complaint **(C 22-27-05)**. In open session, Commissioner Schwartz made a motion to approve the finding of Probable Cause and dismiss the complaint with a Letter of Instruction. The dismissal was based on a finding that the public interest would not be served by proceeding further and the lobbying violations were inadvertent, unintentional, or insubstantial. It was seconded by Vice Chair Gort and unanimously approved **(4-0)**.

Advocate Radia Turay had no objection to a Request for Continuance by the respondent in complaint **(C 22-25-05)**. Commissioner Schwartz moved to approve the Request for Continuance. It was seconded by Vice Chair Gort and unanimously approved **(4-0)**.

Staff Attorney Etta Akoni presented a Motion for Extension of Time in complaint **(C 20-48-12)**. Commissioner Schwartz moved to approve the request for Continuance. It was seconded by Vice Chair Gort and unanimously approved **(4-0)**.

Commissioner Schwartz made a motion grant the issuance of three subpoenas in **PI 22-12**. It was seconded by Commissioner Gort and unanimously approved **(4-0)**.

XI. Open Session (*The Commission returned to Open Session at 12:22 PM*)

Advocate Radia Turay presented a Request for Continuance in complaint **(C 22-04-02)**. Commissioner Schwartz moved to approve the Continuance. It was seconded by Vice Chair Gort and unanimously approved **(4-0)**.

XII. Old Business

None.

XIII. Adjournment

There being no further business, the meeting adjourned at 12:32 PM.

Prepared by Leonardo Mendoza, Public Information Officer