

EYE ON ETHICS

NEWSLETTER OF THE MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST



Issue 22 - Eye on Ethics Newsletter



Commission on Ethics & Public Trust by the Numbers:

147 No Action (NA's) referrals were filed during the past fiscal year. NA's are responses to reporting parties alleging violations that do not meet the Ethics Commission's enforcement jurisdiction. Complaints are reviewed and parties are then referred to agencies that can assist them.

Director's Message



Dear Friends & Colleagues,

September brings the close of the fiscal year for the Miami-Dade County Ethics Commission. This is the month where we take stock of agency's performance for the last twelve months, prepare our annual report to the Board of County Commissioners and the greater community, and set goals and budget for the next year.

Quick Links



As regards annual reporting, the Ethics Commission reinstituted this practice after a lapse of several years in 2018. The hard-copy and

Commissioners

electronic format report contains information regarding the Ethics Commission's three principal charges: training and outreach; ethics opinions and guidance; and enforcement. It additionally highlights the agency's collaborative efforts in modifying and revising county and municipal ethics ordinances and procedures and noteworthy opinions and enforcement cases. The report goes to the Board of County Commissioners and the Mayor and is distributed to elected officials in all our municipalities, as well as the general community.

As regards budget, the Ethics Commission is an independent agency of Miami-Dade County and is required to go through the County budget process like all other departments and agencies. It is noteworthy that while the agency has jurisdiction in the County as well as all 34 municipalities, its annual budget is amongst the smallest of all of County service, coming in just ahead of the law library and Teen Court. The agency prides itself on this fact: an expansive charge performed efficiently with one of the smallest budgets. Next year's proposed budget is just over 2.8 million dollars and funds a staff of 16. As of this writing, the first of two public meetings regarding the County budget have occurred and the second and final is scheduled.

On the enforcement front, last month's Commission meeting concluded with probable cause findings in three cases and the diversity of the respondents' positions exemplifies the Ethics Commission's broad charge over county and municipal elected officials, employees, and vendors. In one case involving a *municipal elected official*, probable cause was found, a letter of reprimand issued, and fines and costs were assessed. In a second case involving a *former County department director*, probable cause was found, a letter of guidance issued, and the costs were assessed. In a third case involving a *County vendor*, probable cause was found, a reprimand issued, and fines and costs were assessed. Finally, the Ethics Commission partnered with the State Attorney's Office in a case that led to the *felony arrest and charging of a private citizen* in a fraudulent straw property buyer case that began with a review of a County homeowner's assistance program.

Looking ahead, invitations to the 10th Annual Ethical Governance Day have gone out. The event in which the Ethics Commission partners with Miami-Dade Public Schools is scheduled for October 20th, 2021 and in the past has drawn hundreds of participants engaging with students throughout the County. This year, the Ethics Commission and Miami-Dade Public Schools is asking speakers to emphasize the importance of becoming a fully informed citizen, engaging in civil debate and discourse with others who may not share your viewpoints, and voting – all as a means of ensuring the continued strength of our democracy and lessening rigid political divisions. If you have some time to share with high school students who will soon be voters, please contact our office for more information.

Also, on the training front, be on the look-out for "save the dates" regarding our next two webinars: one focusing on representation of local government witnesses in ethics and criminal investigations, and a second in partnership with the Dade Bar Association regarding issues related to representation of individuals and entities transacting with local

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FAQ



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government resulting from recent revisions to the County's lobbyist ordinance. A collaboration with the Haitian Lawyers Association is also in the planning stage following a radio presentation on Haitian language radio as part of our agency's outreach to that community.

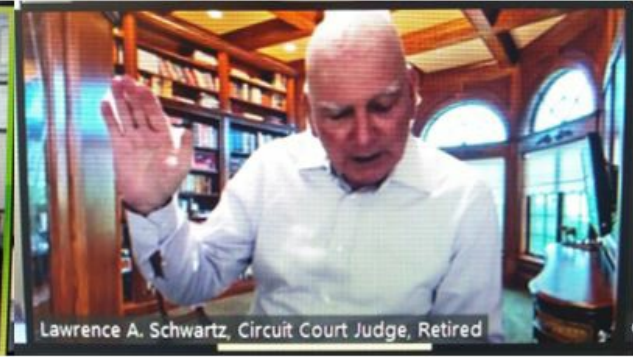
That's all for now. Thank you for continuing to support the Miami-Dade County Commission on Ethics and Public Trust.

Best regards,
Jose Arrojo

Let's Help Stop the Spread of Coronavirus



Commissioner Re-appointed to COE



Judge Lawrence A. Schwartz (Ret.) has been re-appointed by the Honorable Nushin G. Sayfie, Chief Judge of the Eleventh Judicial Circuit in Miami-Dade County, to serve an additional term as Commissioner of the Miami-Dade Commission on Ethics and Public Trust (COE). Judge Schwartz was originally appointed to serve on the COE by Chief Circuit Court Judge, Joel Brown, in January 2013, shortly after his retirement from the bench.

Judge Lawrence A. Schwartz won election to the County Court in 1991 and subsequently sat on the Circuit Court after his appointment by Governor Lawton Chiles in 1997. He received an Associate's Degree from Dade County Junior College, a Bachelor's Degree in Psychology and Sociology from the University of Oklahoma and a Master's Degree in Education from Florida Atlantic University. He then taught sixth grade for five years at Lake Stevens Elementary in Carol City.

After earning his Juris Doctorate from the University of the Pacific, Judge Schwartz became a Deputy District Attorney in Sacramento, California, for a dozen years. The Miami Beach native returned home in 1987 to work as an Assistant State Attorney in the 11th Judicial Circuit prosecuting economic crimes, before ascending to the Bench.

"It is with great pleasure to see that Judge Larry Schwartz has been reappointed to serve another term as commissioner on the Miami-Dade Commission on Ethics & Public Trust by our Chief Judge Nushin Sayfie," commented COE Chairman Nelson Bellido. "We truly appreciate his decades of public service as a judge and his dedication to the Ethics Commission. He is a great public servant and I am honored to continue to serve with him on the Commission."

Connecting with the Haitian-American Community



Miami-Dade Commission on Ethics and Public Trust (COE) Director Jose Arrojo recently appeared on a popular Haitian Radio Station WLQY 1320AM in an afternoon program hosted by Mr. Frantz Laurent.

The program served to inform the South Florida Haitian Community of the important role that the Ethics Commission plays in bolstering public trust in the administration of government.

One of the goals of the COE is to educate persons in Miami-Dade about County and municipal ethics codes, the COE and its functions, and how persons can engage with the Commission to promote transparency and ethics in local governance. It is undoubtedly true that there are a lot of folks in-and-about local government that are well informed on these topics, but there is work to be done in other communities.

The approximately 30-minute interview covered an array of topics including the director's

encouragement of the Haitian community to reach out to the COE should a perception of ethical misconduct be encountered. Director Arrojo also spoke briefly of an upcoming venture with prominent members of the Haitian Community that will explain the COE's process for investigating and prosecuting allegations of ethical misconduct by local government elected officials and leaders.

Ethics Violation Investigation Leads to Felony Arrest



A case initiated by allegations of a potential prohibited conflict of interest under the Miami-Dade Ethics Code regarding the Miami-Dade Economic Advocacy Trust Board (MDEAT) was referred to the Ethics Commission (COE). The COE's review of public records relating to this MDEAT program that provides second forgivable balloon mortgages to low-income eligible buyers to help them with down payments and closing costs, revealed a possible

straw mortgage scheme involving South Florida resident, Elie Floradin.

Mr. Floradin engaged a mentally disabled man as a straw buyer to fraudulently obtain a first mortgage from a private lender and a second mortgage from Miami-Dade County. Approximately \$120,000 in private lender and Miami-Dade County funds were obtained as part of the fraudulent transaction. As a result, Mr. Floradin was arrested on charges of Organized Scheme to Defraud, Grand Theft First Degree, Mortgage Fraud, and Grand Theft Third Degree.

"I want to acknowledge the excellent investigative work of the Ethics Commission, the Florida Office of Financial Regulation and the Miami-Dade State Attorney's Office," commented Commission on Ethics Chairman Nelson Bellido. "This is another example of how our state and local agencies can come together to combat fraud in our community."

FAQ Outside Employment and the Ethics Code



I am a County or Municipal employee. May I engage in outside employment in addition to my County/Municipal job?

It depends. Some County or Municipal departments have a blanket policy to deny outside employment. In departments that allow outside employment in certain circumstances, County or Municipal procedures to request permission to engage in outside employment

must be followed.

Pursuant to the Ethics Code all full-time and part-time Miami-Dade County employees who engage in any outside employment must request permission from their department before engaging in outside employment. Permission for outside employment must be requested and granted on an annual basis, even in cases where the type of outside employment has not changed. Municipal employees should follow Municipal ordinances and procedures regarding permission to engage in outside employment.

All full-time County and Municipal employees who engaged in any outside employment during the preceding year for any person, firm, corporation, or entity other than Miami-Dade County or their

respective Municipality must file a statement regarding their outside employment income. Full-time County employees file the Outside Employment Statement with County Elections Department by July 1st of each year. Full-time Municipal employees must file the Outside Employment Statement annually with their respective Municipal Clerks. This filing is in addition to any other financial disclosure requirements.

For additional information on outside employment, please visit the Miami-Dade Commission on Ethics' website at: <http://ethics.miamidade.gov/outside-employment.asp>

September Ethics - Commission Meeting Actions



Summary of the Miami-Dade County Commission on Ethics & Public Trust Meeting Held on September 8, 2021

The Miami-Dade County Commission on Ethics and Public held a Commission Meeting on September 8, 2021. The following actions took place:

Town of Medley Councilwoman Stipulates to Finding of Probable Cause

C 21-13-05: Town of Medley Councilwoman Lily Stefano stipulated to a finding of Probable Cause for violating the Further Prohibition on Transacting Business with the County and Exploitation of Official Position sections of the Miami-Dade County Ethics Code.

The complaint alleged that Councilwoman Stefano violated the Ethics Code during a Medley Council meeting by both sponsoring and voting to approve an agenda item to permit the Santana Moss Foundation permanent entrance to a Medley senior facility despite the fact that Ms. Stefano was the Executive Director and registered agent of the foundation.

The stipulated agreement includes a \$1,500 fine, plus \$500 for investigative costs, and the issuance of a Letter of Reprimand.

Former Director of Miami-Dade County Department of Transportation and Public Works Stipulates to Finding of Probable Cause

C 21-11-05: Former Director of the Miami-Dade County Department of Transportation and Public Works, Alice Bravo, stipulated to a Finding of Probable Cause for violating the Continuing Application After County Service section of the Miami-Dade County Ethics Code.

The complaint alleged that Ms. Bravo violated the Ethics Code when she attended, but did not speak, during a meeting between three lobbyists, including a lobbyist for her current employer, and Miami-Dade Commission Chairman Jose "Pepe" Diaz within two months of her separation from the County, where the purpose of the meeting was to influence Chairman Diaz to take official action or make an official decision.

The Complaint was dismissed after the probable cause finding in accords with the stipulated agreement which includes \$500 for investigative costs, and the issuance of a Letter of Instruction.

County Vendor Stipulates to Finding of Probable Cause

C 21-22-08: John Kennedy, a County vendor and the spouse of a Miami-Dade Water and Sewer Department (WASD) employee, stipulated to a finding of Probable Cause for violating the

A COE investigation revealed that Mr. Kennedy proceeded to transact business totaling \$2,336,873.55 with WASD despite having previously been provided a COE opinion advising him that the Ethics Code specifically prohibits him from contracting with WASD, the County department that employs his spouse.

The stipulated agreement includes a maximum allowable fine of \$1500, plus \$1000 for investigative costs, and the issuance of a Letter of Reprimand.

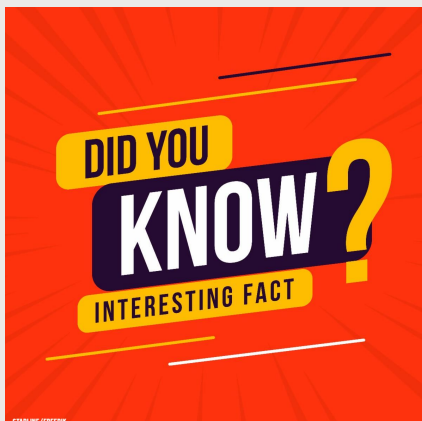
Complaint Filed Against City of North Miami Beach Clerk Dismissed

C 21-19-07: A complaint filed against City of North Miami Beach Clerk Andrise Bernard was found to be Not Legally Sufficient and was dismissed. The complaint alleged that Ms. Bernard failed to follow statutory requirements under election statutes.

Complaint Filed Against Town of Bay Harbor Islands Director of Parks and Recreation Dismissed

C 21-21-08: A complaint filed against Town of Bay Harbor Islands Director of Parks and Recreation Regine Choute was found to be Not Legally Sufficient and was dismissed. The complaint alleged that Ms. Bernard violated the County Ethics Code and the Bay Harbor Islands Charter when she engaged in intentional misrepresentation, tortious interference with a contract, and use of confidential information.

Educating the Community / Upcoming Events



Elected officials, public employees and members of advisory boards and quasi-judicial bodies may never request or accept gifts intended to persuade them to take (or not take) an official action or to perform (or not perform) a duty required by their government service.

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