

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of August 15, 2018

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on August 15, 2018. Present were Chairman H. Jeffrey Cutler and Commissioners Judith Bernier, Jan Jacobowitz and Lawrence Schwartz. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco and Radia Turay, Staff Attorneys; Rhonda Victor Sibilia, Communications Director; Rachelle Ross, Executive Secretary; Sylvia Batista, Susannah Nesmith, Jim McGee and Nilda Olmo, Investigators; and members of the public. The meeting was called to order at 10:00 a.m. by Chairman Cutler. A quorum was present.

I. Approval of Minutes

Commissioner Schwartz made a motion to approve the minutes of the July 18, 2018, meeting. Commissioner Bernier seconded it and it was unanimously approved (4-0).

II. Public Comment

None.

III. Section Eight Requests

Staff Attorney Gilma Diaz-Greco presented requests from five individuals wishing to contract under the federally-funded Section 8 program, and since neither they nor their immediate family members are employed by the Miami-Dade Public Housing and Community Development Department, recommended approval of four. The fifth was not under COE jurisdiction. Commissioner Schwartz made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (4-0).

IV. Housing requests

Staff Attorney Diaz-Greco presented the requests of seven County employees to seek assistance through programs overseen by the Miami-Dade Public Housing and Community Development Department, and since neither they nor any of their family members oversee or administer the programs, recommended they be approved. Commissioner Schwartz made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (4-0).

V. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from July 1- July 31, of which two - INQ 18-157 and INQ 18-161 -- were briefly discussed.

VI. Miami Beach Lobbyist Appeals

Advocate Michael Murawski presented the appeals of two individuals registered to lobby in the City of Miami Beach who failed to turn in expenditure and compensation forms as required. The following actions were taken:

- Commissioner Schwartz made a motion to approve the staff recommendation to waive the \$4,550 fine for Ronald S. Lowy who was present. It was seconded by Commissioner Bernier and unanimously approved (4-0).
- Commissioner Schwartz made a motion to waive the \$4,950 fine for W. Tucker Gibbs, who was present. It was seconded by Commissioner Jacobowitz and approved (3-1 Bernier opposed).

VII. Settlement Proposal

Executive Director Joseph Centorino recommended a proposed settlement to Case No. 16-294-AP, *Robin Jones Jackson v. the Miami-Dade Ethics Commission*, a Petition filed in the Appellate Division of the 11th Judicial Circuit Court. The lawsuit stemmed from the 2016 decision by the COE to permit reconsideration of a finding of No Probable Cause on Complaint **C 15-27** filed by Stephen Herbits against Miami Assistant City Attorney Robin Jones Jackson. Under the proposed settlement Jones Jackson would withdraw the petition if the Ethics Commission would agree not to reconsider the original finding. After hearing from Advocate Michael Murawski, Jones Jackson's Attorney Joseph Serota, and Sam Dubbin, attorney for complainant Herbits, Commissioner Schwartz made a motion to accept the settlement offer. It was seconded by Commissioner Bernier and approved (**3-1** – Schwartz opposed).

VIII. Executive Director's Report

- Executive Director Joseph Centorino introduced Outreach Coordinator Robert Thompson who presented a report on trainings and other outreach events over the past year.
- Mr. Centorino reported that incoming Executive Director Jose Arrojo has accepted the salary and benefits package approved by the COE last month and has cleared all background checks, and asked Commissioners to formally appoint him. Commissioner Schwartz so moved, it was seconded by Commissioner Jacobowitz and unanimously approved (**4-0**).
- He said that Advocate Murawski and incoming Director Arrojo and staff members toured the proposed future office space in the Overtown Transit Village on July 24th and informed that the County has changed what costs it would absorb to build out and furnish the space, which the new director will have to renegotiate.

IX. Complaints

- Commissioner Schwartz made a motion to ratify a proposed Letter of Instruction for Christopher Bradley issued in connection with Complaint **18-10-02**, which would cite Bradley, as the Vice President of AvAirPros, for lacking "independence of judgment" while serving on a County selection committee which recommended a vendor to operate the baggage system at MIA, and which ended up hiring his company. The motion was seconded by Commissioner Bernier and unanimously approved (**4-0**).

The Ethics Commission convened in closed session at 11:15 a.m. Commissioners returned to open session at 11:33 a.m. and took the following actions:

- Commissioner Schwartz made a motion to approve the withdrawal of **C 18-14-03**, as requested by the complainant, and dismiss a complaint filed by Bill Fuller against Miami City Commissioner Joe Carollo, which had been strongly contested by Carollo and his attorney Benedict Kuehne. It was seconded by Commissioner Bernier and unanimously approved (**4-0**).
- Commissioner Schwartz made a motion to find No Probable Cause for **C 18-25-07** and dismiss the complaint against Opa-locka City Commissioner Matthew Pigatt. He had questioned George Suarez, Jr., a candidate for Opa-locka City Commission, regarding whether Suarez's lawsuit against the city's water billing disqualified Suarez from running for office. The investigation found no indication that Pigatt intimidated Suarez or exploited his position. The motion was seconded by Commissioner Bernier and unanimously approved (**4-0**).
- Commissioner Schwartz made a motion to find two complaints (**C 18-26-07** and **C 18-27-07**) accusing a Doral solid waste official, Frank Gomez, of abusing his position by promoting a certain employee as Not Legally Sufficient because hiring and personnel matters are not within the jurisdiction of the Ethics Commission,

unless there is a violation of the County Ethics Code. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

-- Commissioner Schwartz made a motion to accept a proposed settlement with North Miami City Clerk Michael Etienne, who pled No Contest to two counts of exploiting his official position in connection with personal travel improperly billed to the city. Etienne will accept a Letter of Reprimand and has paid a fine of \$500 and investigative costs of \$500 to the Ethics Commission, and also paid \$2,155.66 in restitution to the City of North Miami. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

-- Commissioner Schwartz made a motion to find No Probable Cause to a complaint (C 18-29-07) filed against North Miami Beach Mayor Beth Spiegel, who was accused of violating the "right to be heard" provision of the Citizens' Bill of Rights, which was determined to be unfounded by the investigation. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

-- Commissioner Schwartz made a motion to approve the respondent's request for a continuance of C 18-30-07. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).

X. Performance Review

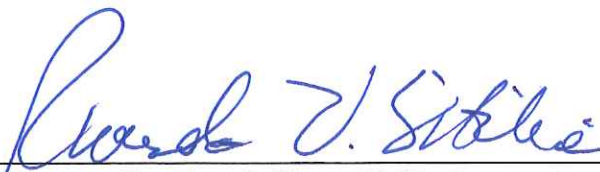
Executive Director Centorino presented an evaluation of Advocate Michael Murawski and recommended a salary increase of 4.3 percent, as budgeted. Commissioner Schwartz made a motion to approve the recommendation. It was seconded by Commissioner Jacobowitz and unanimously approved (4-0).

XI. Personal Remarks

At the close of his final meeting as Executive Director, Mr. Centorino expressed his gratitude for the support of the Ethics Commissioners and staff members during the seven years of his tenure, noting he has accomplished many of the goals he set, including expanding the agency's training, increasing awareness of the importance of civic engagement and providing detailed opinions to those who depend on the COE for guidance. He expressed concern about the public's failing trust in government at all levels, calling it the greatest threat to the survival of democracy, and encouraged the Ethics Commission to work more at the local level to increase public trust. Chairman Cutler presented a plaque honoring Mr. Centorino's "seven years of dedication and exemplary service." Miami-Dade County District 6 Commissioner Rebeca Sosa presented a proclamation declaring August 15, 2018, as "Joseph Centorino Day," as he has proven to be a "dedicated guardian of the public's trust."

XII. Adjournment

There being no further business, the meeting adjourned at 11:50 p.m.



Prepared by Rhonda Victor Sibilia, Communications Director