

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of February 14, 2018

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on February 14, 2018. Present were Chairman H. Jeffrey Cutler, Commissioners Judith Bernier, Lawrence Schwartz and Carol Zeiner. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Martha Perez and Radia Turay, Staff Attorneys; Rhonda Victor Sibilia, Communications Director; Rachelle Ross, Executive Secretary; Larry Lebowitz, Sylvia Batista and Nilda Olmo, Investigators; Roxanna Ros, Legal Intern; and members of the public. The meeting was called to order at 10:03 a.m. by Chairman Cutler. A quorum was present.

I. Approval of Minutes

Commissioner Zeiner made a motion to approve the minutes of the January 17, 2018, meeting. It was seconded by Commissioner Bernier and unanimously approved (3-0).

II. Public Comment

None.

III. Request for Opinion

Staff Attorney Gilma Diaz-Greco presented **RQO 18-02** from Alisa Caballero, a Quality and Assurance Officer in the Administrative Services Division of Miami-Dade's Public Housing and Community Development Department, which is overseeing the Liberty Square Rising housing redevelopment project. Her husband is seeking to bid on plumbing work with a prime subcontractor of the project and his company, Caballero Plumbing, Inc., is seeking Federal Section 3 certification that companies provide economic opportunities to low income residents. The Opinion confirmed that the Conflict of Interest and Code of Ethics Ordinance does not prohibit immediate family members of County employees from sub-contracting with County vendors. However, it would prohibit Ms. Caballero or a person under her supervision from being involved in any action affecting her husband's business. The opinion instructs the department to assign another employee who is not under Ms. Caballero's supervision to oversee the certification process. Commissioner Schwartz made a motion to approve the staff recommendation. It was seconded by Commissioner Bernier and unanimously approved (4-0).

IV. Section Eight Requests

Staff Attorney Gilma Diaz-Greco had one request from an individual wishing to contract under the federally-funded Section 8 program, but since neither she nor an immediate family member is employed by the Miami-Dade Public Housing and Community Development Department, recommended approval. Commissioner Zeiner made a motion to approve the recommendation. It was seconded by Commissioner Schwartz 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 January 1st through the 31st, of which three – INQ 18-01, 18-20 and 18-23 -- were briefly discussed.

VI. Executive Director's Report

--Executive Director Joseph Centorino noted the success of the Feb. 1, 2018, Municipal Attorneys' Luncheon seminar at Fado Irish Pub entitled "Anatomy of a Municipal Legal Battle," attended by nearly 50 people.
-- On legislative issues, Mr. Centorino reported that the Ethics Commission's Civility Oath, which has been

adopted by several cities, is now moving from the County Attorney's Office and should go before County Commissioners in the near future. Another COE proposal -- to prohibit County employees from accepting or negotiating outside positions with companies seeking to do business with the County -- is gaining traction following the settlement agreement with C 17-34 last month. And, SB 1534/HB 7003 that would create a statewide lobbyist registration, has passed the Florida House, but at the halfway point of the annual session, has not yet been heard in the Senate.

--Mr. Centorino shared a compilation of numerous outreach activities by COE staff that have already taken place during the first few weeks of the New Year, noting these are typical of the regular schedule of the agency.

VII. Complaints

-- Advocate Michael Murawski said he is continuing until the next meeting the proposed Letter of Reprimand for **C 17-34** at the request of the respondent's legal representative.

The Ethics Commission convened in closed session at 10:49 a.m. Commissioners returned to open session at 11:04 a.m. and took the following actions:

-- Commissioner Schwartz made a motion to approve the staff request for a stay in the proceedings for **C 17-36** to await the conclusion of that investigation by the Office of the State Attorney. The motion was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

-- Commissioner Schwartz made a motion to approve the staff request for an extension of time to make a probable cause determination for **C 17-38** until April 27, 2018. It was seconded by Commissioner Zeiner and unanimously approved **(4-0)**.

-- Commissioner Schwartz made a motion to find No Probable Cause to three complaints (**C 18-01-01, C 18-05-01 & C 18-07-01**) filed against Frank Guyamier, the Deputy Director of the Miami-Dade Department of Transportation and Public Works, who was accused of being biased in his recommendation for construction of a bridge in Palmetto Bay because he lives close to the proposed project. Because Guyamier is one of hundreds of other homes within the affected area, it was determined that he would not receive any special benefit from its completion. Additionally, the issue may be moot since the Transportation Planning Organization has voted against constructing the proposed bridge. The motion was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

-- Commissioner Schwartz made a motion to find complaint **C 18-02-01** Not Legally Sufficient because the form was not notarized; the phone listed for the supposed complainant is disconnected; and the individual could not be found at the address given. In addition, the allegations made about unregistered lobbying and receipt of a prohibited contingency fee were determined to be unfounded. The motion was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

-- Commissioner Schwartz made a motion to approve the staff request to stay the proceedings for **C 18-03-01** pending the outcome of an investigation by the Florida Commission on Ethics. The motion was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

-- Commissioner Schwartz made a motion to find as Not Legally Sufficient a complaint (**C 18-04-01**) filed by a Miami-Dade resident against "someone who works in the Housing department" who gave away her cell phone number because it does not identify a respondent, is based on suspicion and not personal knowledge, and does not cite a violation of the Ethics Code. It was seconded by Commissioner Zeiner and unanimously approved **(4-0)**.

--Commissioner Schwartz made a motion to approve the respondent's request for a postponement for a probable cause determination of **C 18-06-01** because of a scheduling conflict. It was seconded by Commissioner Zeiner and unanimously approved (**4-0**).

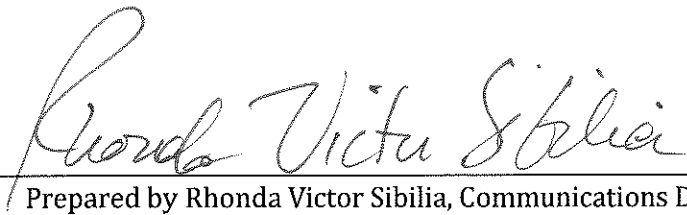
VIII. Old Business

Advocate Murawski presented a complainant's motion for a rehearing of the No Probable Cause decision regarding **C 17-26**, filed by former Miami Lakes Mayor Michael Pizzi against Town Manager Alex Rey, alleging violations of the "Truth in Government" provision of the Citizens' Bill of Rights. Attorney Benedict Kuehne cited reasons for reconsideration and former Mayor Pizzi also testified, followed by Mr. Murawski's response. Commissioner Schwartz made a motion to deny the request for reconsideration. It was seconded by Commissioner Zeiner and unanimously approved (**4-0**).

Commissioner Schwartz asked attorney Kuehne for a status update on his client Frantz Pierre regarding a public hearing on **C 16-34**. Mr. Kuehne said Mr. Pierre's health has not improved and that he would submit an updated medical report.

IX. Adjournment

There being no further business, the meeting adjourned at 11:29 a.m.



Prepared by Rhonda Victor Sibilis, Communications Director