

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of July 18, 2018

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on July 18, 2018. Present were Chairman H. Jeffrey Cutler, Vice-Chairman Nelson Bellido, and Commissioners Judith Bernier and Lawrence Schwartz. 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; Sylvia Batista, Susannah Nesmith, Jim McGee and Nilda Olmo, Investigators; Nico Nesenoff, Legal Intern; and members of the public. The meeting was called to order at 10:01 a.m. by Chairman Cutler. A quorum was present.

I. Approval of Minutes

Commissioner Schwartz made a motion to approve the minutes of the June 20, 2018, meeting. Commissioner Bernier seconded it and it was unanimously approved (3-0 Bellido not yet arrived). Commissioner Schwartz made a motion to approve the minutes of the special meeting of June 27, 2018. It was seconded by Commissioner Bernier and unanimously approved (3-0).

II. Public Comment

None.

III. Section Eight Requests

Staff Attorney Gilma Diaz-Greco presented requests from four individuals wishing to contract under the federally-funded Section 8 program, and since neither they nor immediate family members are employed by the Miami-Dade Public Housing and Community Development Department, recommended approval. Vice-Chair Bellido made a motion to approve the recommendation. It was seconded by Commissioner Schwartz and unanimously approved (4-0).

IV. Housing requests

Staff Attorney Diaz-Greco presented the requests of eight 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. Vice Chair Bellido 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 May 1- June 30, of which three – INQ 18-110, INQ 18-120 and INQ 18-145 -- were briefly discussed.

VI. Miami Beach Lobbyist Appeals

Staff Attorney Martha Perez presented the appeals of six 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:

- Vice Chair Bellido made a motion to approve the staff recommendation to waive the \$4,000 fine for Orlando Alonso, Jr., who was present. It was seconded by Commissioner Schwartz and unanimously approved (4-0).
- Vice Chair Bellido made a motion to approve the staff recommendation to waive the \$2,900 fine for Wilfredo Agurto. It was seconded by Commissioner Bernier and unanimously approved (4-0).

- Vice Chair Bellido made a motion to approve the staff recommendation to waive the \$3,150 fine for Joe Garcia. It was seconded by Commissioner Schwartz and unanimously approved (4-0).
- Staff Attorney Martha Perez requested a continuance to hear the appeal of the \$4,950 fine for W. Tucker Gibbs, who was not present due to his attendance at a special meeting of the Miami City Commission.
- Commissioner Schwartz made a motion to approve the staff recommendation to waive the \$2,750 for James Hollingsworth. It was seconded by Vice Chair Bellido and unanimously approved (4-0).
- Commissioner Schwartz made a motion to reduce the fine of \$2,900 to ten percent (\$290) for J.C. Planas, who was present. It was seconded by Vice-Chair Bellido and unanimously approved (4-0).

VII. Executive Director's Report

- Executive Director Joseph Centorino introduced newly hired investigator Frank "Jim" McGee and highlighted his background. Mr. McGee said he felt "privileged to be part of the staff."
- Mr. Centorino discussed the June 29th meeting of COE staff with participants in the FIU Mandela Washington Fellowship for Young African Leaders and shared an email from a prior participant in the program.
- He presented draft floor plans for the future office space on the eighth floor of the North Tower of the Overtown Transit Village and invited Ethics Commissioners to attend a walk-through on July 24th at 1:30 p.m.
- Mr. Centorino proposed a resolution proclaiming October 24 as "Ethical Governance Day 2018." Commissioner Schwartz made a motion to adopt the resolution. It was seconded by Vice Chair Bellido and unanimously approved (4-0).
- After confirming a quorum would be present, Mr. Centorino set the August monthly meeting of the COE for Wednesday, August 15.

VIII. Complaints

- Commissioner Schwartz made a motion to ratify the Letter of Instruction for Robert Binish for which Complaint 18-06-01 accused him, as the Vice President of AvAirPros, of violating the Cone of Silence when he communicated with Debra Shore – a former Aviation Manager who was serving on the selection committee to recommend a vendor to operate the baggage system at MIA. The motion was seconded by Commissioner Bernier and unanimously approved (4-0).
- After Attorney Jeffrey Fridkin objected to the Letter of Instruction for Christopher Bradley regarding C 18-10-02, Advocate Michael Murawski agreed to table the item until the August meeting.
- Commissioner Schwartz made a motion to ratify the Letter of Instruction for Miami-Dade Fire Rescue Marine Service Bureau Chief Andy Alvarez, who last month pleaded no contest to the Exploitation of Official Position complaint (C 18-22-05) by using a Fire Rescue boat to transport him, his wife and others to and from the Miami Boat Show at the Miami Marine Stadium on Key Biscayne this past February. Vice Chair Bellido seconded the motion and it was unanimously approved (4-0).

The Ethics Commission convened in closed session at 11:13 a.m. Commissioners returned to open session at 12:22 p.m. and took the following actions:

- Vice Chair Bellido made a motion to find Probable Cause that South Miami Mayor Philip Stoddard violated the Citizens' Bill of Rights provision guaranteeing the "Right to be Heard." In the complaint (C 18-08-01), Stephen Cody claimed he was denied the opportunity to speak during the open comment period of two city commission meetings earlier this year, which, according to COE Advocate Michael Murawski, was supported by investigative findings, but argued against by respondent's attorney Benedict Kuehne. The motion was

seconded by Commissioner Schwartz and approved **3-1** (Cutler opposed).

-- Vice-Chair Bellido made a motion to approve the staff request for a second extension of time to make a probable cause determination for **C 18-14-03**, despite opposition by respondent's attorney Benedict Kuehne. It was seconded by Commissioner Bernier and unanimously approved (**4-0**).

-- Commissioner Schwartz made a motion to find Probable Cause to a complaint (**C 18-17-04**) that former Miami Beach City Commissioner Michael Grieco violated the "Truth in Government" provision of the Citizens' Bill of Rights, along with the City's Campaign Finance Reform ordinance, when he lied about his connections to a Political Action Committee and solicited a contribution for it from a city vendor. The accusation was argued against by respondent's attorney Benedict Kuehne. Vice Chair Bellido seconded the motion and it was unanimously approved (**4-0**).

-- Vice Chair Bellido made a motion to approve the staff recommendation to stay the proceedings of **C 18-23-06** until the Florida Commission on Ethics concludes its investigation of the same complaint. Commissioner Schwartz seconded the motion and it was unanimously approved (**4-0**).

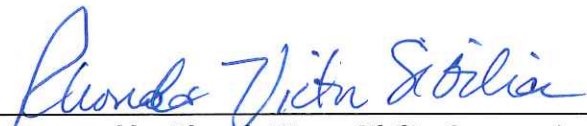
-- Commissioner Schwartz made a motion to find Not Legally Sufficient a complaint, **C 18-24-06**, against lobbyist Al Maloof because the complaint form was filed anonymously and is not signed under oath. Commissioner Bernier seconded the motion and it was unanimously approved (**4-0**).

IX. Old Business

-- Mr. Centorino presented a proposed salary and benefit package for the incoming executive director, which includes a starting annual base salary of \$190,000, the County's standard Executive Benefits Package for a Department Director and three weeks of paid annual leave, commencing on September 3, 2018, subject to the successful completion of a background check and physical examination. Vice Chair Bellido made a motion to approve the proposal. It was seconded by Commissioner Schwartz and unanimously approved (**4-0**).

X. Adjournment

There being no further business, the meeting adjourned at 12:28 p.m.



Prepared by Rhonda Victor Sibia, Communications Director