

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of June 20, 2018

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on June 20, 2018. Present were Chairman H. Jeffrey Cutler, Vice-Chairman Nelson Bellido, and Commissioners Judith Bernier, Jan Jacobowitz 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 Sibia, Communications Director; Rachelle Ross, Executive Secretary; Sylvia Batista, Susannah Nesmith and Nilda Olmo, Investigators; Kelly Mendoza and Nico Nesenoff, Legal Interns; and members of the public. The meeting was called to order at 10:04 a.m. by Vice Chair Bellido. A quorum was present.

I. Welcome of New Commissioner

Vice-Chair Bellido formally welcomed new Ethics Commissioner Jan Jacobowitz to the board. The appointee of the Dean of the University of Miami Law School said she was "honored and privileged" to serve in the post. Commissioner Bernier was also congratulated for being sworn in for her second term prior to the start of the meeting by Miami-Dade County Judge William Altfield.

II. Approval of Minutes

Commissioner Schwartz made a motion to approve the minutes of the May 15, 2018, meeting. Chairman Cutler seconded it and it was unanimously approved (5-0).

Chairman Cutler made a motion to approve the minutes of the May 24, 2018, public hearing on C 16-34. It was seconded by Vice-Chair Bellido and unanimously approved (5-0).

III. Public Comment

Coral Gables City Attorney Miriam Ramos stated she was attending the meeting in her personal capacity and as a legal representative of her municipality regarding a complaint that would be heard during closed session.

IV. Executive Director's Report

-- Executive Director Joseph Centorino shared a Miami Herald story regarding the Board of County Commissioners' rejection of a waiver of conflict for lobbyist Ron Book, following the recommendation of the Ethics Commission staff. He noted that the County Commission followed the COE staff recommendation on a 12-0 vote.

-- He declared a success the June 14th Municipal Attorney Luncheon featuring citizen activist Fane Lozman and Greenberg Traurig Attorney Kerri Barsh, and noted that the U.S. Supreme Court ruled in their favor on Monday.

-- Mr. Centorino reported that efforts were underway to update the on-line training for Miami-Dade employees and that there were serious issues with enforcement of lobbyist ethics training rules. He said that COE Investigator Susannah Nesmith was working on compliance and that approximately 60 registered lobbyists will be suspended. A special session was held Monday (6/18) at Jackson Memorial Hospital to train more than 70 vendors and lobbyists who were out of compliance.

-- Mr. Centorino said that space is secured for COE offices in the Overtown Transit Village North Building and he hoped to present floor plans at the next meeting.

V. Complaints

Advocate Michael Murawski presented a proposed Letter of Reprimand for North Miami Beach Vice Mayor Frantz Pierre, who was found last month to have intentionally exploited his public position by threatening a code compliance officer when he was cited for property violations, as determined in the public hearing for **C 16-34**. Vice Chair Bellido made a motion to ratify the Letter. It was seconded by Commissioner Schwartz and approved (**4-0** Jacobowitz did not vote).

The Ethics Commission convened in closed session at 10:20 a.m. Commissioners returned to open session at 10:47 a.m. and took the following actions:

-- Vice Chair Bellido made a motion to find No Probable Cause to a complaint (**C 18-18-04**) against North Bay Village Commissioner Eddie Lim filed by the Village Attorney, accusing Lim of having a conflict when he voted on a liquor license variance for a local business owner. The investigation found that Commissioner Lim received no compensation from the restaurant owner and did not have a "prohibited relationship" with her. The motion was seconded by Commissioner Schwartz and unanimously approved (**5-0**).

-- Vice Chair Bellido made a motion to find as Not Legally Sufficient a complaint **C 18-19-05** filed by former North Bay Village Commissioner Richard Chervony against current Vice Mayor Andreana Jackson and Village Attorney Norman Powell because his charges of Official Misconduct and False Reports are criminal matters and defamation is a civil claim, none of which are under the jurisdiction of the Ethics Commission. Commissioner Schwartz seconded the motion and it was unanimously approved (**5-0**).

-- Vice Chair Bellido made a motion to find as Not Legally Sufficient and No Probable Cause aspects to a complaint (**C 18-20-05**) filed by two members of the East Edgewater Cul-de-Sac Community against Coral Gables officials regarding the establishment of a special parking district for the East Edgewater neighborhood. Vice Mayor Patricia Keon's placing the parking item on the City Commission agenda for discussion and speaking about it was not a conflict of interest; an allegation of bias on the part of City Attorney Miriam Ramos was determined to be unfounded; and a charge that the City failed to comply with a public records request was also found to be without merit. Commissioner Schwartz seconded the motion and it was unanimously approved (**5-0**).

-- Vice Chair Bellido made a motion to find Not Legally Sufficient a complaint (**C 18-21-05**) filed against Miami City Commissioner Joe Carollo because the complaint was not signed by the complaining person, and it concerned election law violations and reporting requirements not under the jurisdiction of the Ethics Commission. Commissioner Schwartz seconded the motion and it was unanimously approved (**5-0**).

-- Vice Chair Bellido made a motion to accept the Stipulation to Probable Cause and approve the settlement agreement for a complaint (**C 18-22-10**) against Chief Andy Alvarez of the Marine Services Bureau of the Miami-Dade Fire Rescue Department, who was accused of exploiting his official position 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. Chief Alvarez pled No Contest, has paid a fine of \$500 and investigative costs of \$345.30, and will accept a Letter of Instruction. Commissioner Schwartz seconded the motion and it was unanimously approved (**5-0**).

VI. Executive Director Selection

The meeting adjourned for seven minutes and reconvened at 11:02 a.m. with discussion of the process to interview by telephone the finalists for the position of Executive Director. Ethics Commissioners agreed to give each candidate an opening statement to describe his or her qualifications and desire for the post, to be followed by COE questions. Staff Attorney Martha Perez tracked the 20 minutes that was set aside for each individual. Candidates were interviewed in the following order: Commission Advocate Michael Murawski, United Nations Director of Alliance of Civilizations Matthew Hodes, Attorney Kathryn Estevez, Chief Assistant Miami-Dade State Attorney Jose Arrojo and former Ft. Lauderdale City Attorney Cynthia Everett.

Following a discussion of the process, Commissioners voted on paper ballots for their top three choices. A tally resulted in Arrojo, Everett and Murawski as the finalists. They will be interviewed in person at a public meeting the following week.

VII. Adjournment

There being no further business, the meeting adjourned at 1:29 p.m.

A handwritten signature in blue ink, reading "Rhonda Victor Sibia". The signature is written in a cursive style and is positioned above a horizontal line.

Prepared by Rhonda Victor Sibia, Communications Director