



## MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

### Summary of Minutes and Agenda Actions Meeting of October 10, 2018

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on October 10, 2018. Present were Chairman H. Jeffrey Cutler, Vice-Chairman Nelson Bellido and Commissioners Judith Bernier, Jan Jacobowitz and Lawrence Schwartz. Also present were Jose Arrojo, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco and Martha Perez, Staff Attorneys; Rhonda Victor Sibilia, Communications Director; Rachelle Ross, Executive Secretary; 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 September 12, 2018, meeting. Commissioner Bernier seconded it and it was unanimously approved (5-0).

#### II. Public Comment

None.

#### III. Requests for Opinion

Staff Attorney Gilma Diaz-Greco presented revised **RQO 18-04** from Javier Gonzalez-Abreu, who served as a member of Kendall Community Council 12, and, per the request of the Commission, provided two alternate decisions for Commissioners to consider. After discussion, Vice Chair Bellido made a motion to approve version #2, which permitted Gonzalez-Abreu, with certain limitations, to contract as a Section 8 program landlord, because Community Councils do not oversee the Public Housing and Community Development Department and the Ethics Code permits County board members to contract with the County, but not with the department which the board oversees. The COE specified that contracting as a Section 8 landlord was permitted only where the property is located outside of the jurisdiction of the member's Council. The opinion advised the Community Council member not to vote on any land use matter that involves the Section 8 program because that may affect his or her private financial interests. The motion was seconded by Commissioner Schwartz and approved **3-2** (Cutler and Jacobowitz opposed).

Executive Director Jose Arrojo pulled RQO 18-05 from the agenda for further review.

#### IV. Section Eight Requests

Staff Attorney Gilma Diaz-Greco presented a request from one individual wishing to contract under the federally-funded Section 8 program, and since neither he nor his immediate family members are employed by the Miami-Dade Public Housing and Community Development Department, recommended approval. Commissioner Schwartz made a motion to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved (5-0).

## V. Housing requests

Staff Attorney Diaz-Greco presented the requests of five 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 Vice Chair Bellido and unanimously approved (5-0).

## VI. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from September 1- 30, of which four – INQ 18-209, 18-211, 18-212 and INQ 18-213 -- were discussed.

## VII. Executive Director's Report

-- In response to a request from the last meeting, Executive Director Jose Arrojo explained that all Ethics Investigators were part of the bargaining unit represented by the Miami-Dade Police Benevolent Association but can appeal any displeasure about discipline and salary to the Ethics Commission, rather than the mayor. Currently, negotiations for a new contract are at an impasse, but another session was scheduled for the following week.

--Mr. Arrojo stated that the only on-going litigation involving the COE is from a lawsuit filed by Palmetto Bay Councilman John Dubois from 2016. Two of the three charges have been dismissed and one still under judicial review, with parties trying to resolve their differences.

-- He discussed his memo regarding the duties and possible job description of the unfilled position of General Counsel. He followed that with a report on the 2018-19 budget that does not include any funding for an additional position. He did say there was no opposition to the agency's proposed spending plan and it was approved by the Board of County Commissioners.

-- Mr. Arrojo said he is visiting with County and Municipal officials and hopes to finish in another month.

## VIII. Complaints

-- Commissioner Schwartz made a motion to approve, with the correction of a scrivener's error, the Letter of Instruction for Ivette Arango O'Doski, for which Probable Cause was found last month to the complaint (C 18-30-07) that she violated lobbying rules when she represented the firm Trafficware. The motion was seconded by Commissioner Bernier and unanimously approved (5-0).

The Ethics Commission convened in closed session at 10:50 a.m. Commissioners returned to open session at 11:18 a.m. and took the following actions:

-- Commissioner Schwartz asked that Public Comments be accepted by Stephen Cody, who was told at the start of the meeting that those with specific items on the agenda refrain from comment until that item is called, but then was prevented from speaking because he was not considered personally impacted by the action of the complaint (C 18-32-08). Mr. Cody expressed his belief that stronger action should be taken against Mayor Stoddard.

-- C 18-31-07 will be deferred to November at the request of the complainant who could not attend.

-- Commissioner Schwartz made a motion to find Probable Cause to a complaint (C 18-32-08) that South Miami Mayor Philip Stoddard violated the Conflict of Interest and Code of Ethics Ordinance by speaking in



favor of a proposal for the City to pay his legal defense associated with an earlier ethics complaint. Because the mayor recused himself and filed a conflict of interest form as required by State and County rules when the question came up again several months later, he also moved to dismiss the complaint with a strong Letter of Instruction. The motion was seconded by Commissioner Jacobowitz and was approved 4-1 (Bellido opposed).

-- Commissioner Schwartz made a motion to find No Legal Sufficiency and dismiss a complaint (C 18-33-09) filed against South Miami City Attorney Thomas Pepe by a member of the city's Planning Board, Lee Jacobs, alleging incorrect information about affordable housing because it did not allege any issue within the jurisdiction of the Ethics Commission. The motion was seconded by Commissioner Jacobowitz and unanimously approved (5-0).

-- Commissioner Schwartz made a motion to find No Legal Sufficiency and dismiss a complaint (C 18-34-09) against Palmetto Bay Councilman David Singer by citizen activist Gary Pastorella regarding the Councilman's insults and threats toward him and his group, because it does not allege a specific violation within the jurisdiction of the COE. The motion was seconded by Commissioner Bernier and unanimously approved (5-0).

-- Commissioner Schwartz made a motion to find No Legal Sufficiency and dismiss a complaint (C 18-35-09) against Councilman Singer by Pastorella regarding Councilman Singer's campaigns against certain Palmetto Bay candidates, which is not enforced by the COE. The motion was seconded by Commissioner Bernier and unanimously approved (5-0).

-- Commissioner Schwartz made a motion to find No Probable Cause and dismiss a complaint (C 18-36-09) against Councilman Singer by Pastorella concerning misuse of the Village seal by Singer, for which no evidence was found. The motion was seconded by Vice Chair Bellido and unanimously approved (5-0).

-- Commissioner Schwartz made a motion to find No Legal Sufficiency and dismiss a complaint (C 18-38-09) filed by County Commissioner Xavier Suarez against Mayor Carlos Gimenez, claiming a memo the mayor circulated accusing the commissioner of violating the Sunshine Law was an effort to defame him, but no evidence was found. The motion was seconded by Vice Chair Bellido and unanimously approved (5-0).

#### **IX. Old Business**

--Communications Director Rhonda Victor Sibia announced that the Ethical Governance Day Teacher Award would be presented at the November 14<sup>th</sup> Ethics Commission meeting because that was the preference of Miami-Dade Public Schools.

--Vice Chair Bellido congratulated staff on the informative and successful municipal attorneys luncheon held October 3<sup>rd</sup>.

#### **X. Adjournment**

There being no further business, the meeting adjourned at 11:32 a.m.



Prepared by Rhonda Victor Sibia, Communications Director