



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of December 11, 2019

The Miami-Dade Commission on Ethics (COE) convened in the Miami Dade County Main Library, 1st Floor Auditorium, located at 101 West Flagler Street, Miami, Florida on December 11, 2019. Present were Vice Chairman Nelson C. Bellido, and Commissioners Lawrence Schwartz, Judith Bernier, and Jan Jacobowitz. Also present were Jose Arrojo, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Martha Perez, and Radia Turay, Staff Attorneys; Machell Anderson, Executive Assistant; Leonardo Mendoza, Public Information Officer; Rachele Ross, Commission Clerk; Investigator Nilda Olmo; Investigator Susannah Nesmith; Outreach Director Robert Thompson; and members of the public. The meeting was called to order at 10:00 a.m. by Vice Chairman Bellido. A quorum was present.

I. Approval of Minutes

Commissioner Schwartz made a motion to approve the minutes of the November 13, 2019, meeting. Commissioner Jacobowitz seconded it and it was unanimously approved **(4-0)**.

II. Public Comment

Gustavo Chacon stated that the commission neglected his right to be heard as a witness in case **(C 16-32)**.

III. Status of Miami-Dade Conflict of Interest and Code of Ethics Ordinance, Outside Employment Statement Documents

Staff Attorney Gilma Diaz-Greco provided a status on the roll-out relating to the use of electronic signatures as compliant with the requirement of County Ethics Code Section 2-11.1(k)(2) that County employees file an annual Outside Employment Statement under oath.

IV. Section Eight Requests

Staff Attorney Diaz-Greco presented a request from one individual in the month of November wishing to contract under the federally funded Section 8 program. In the case of that individual, neither he nor any of his immediate family members are employed by the Miami-Dade Public Housing and Community Development Department, so Staff Attorney Diaz-Greco recommended he be approved. Commissioner Schwartz moved to approve the recommendation. It was seconded by Commissioner Jacobowitz and unanimously approved **(4-0)**.

V. Public Housing and Community Development Housing Assistance Inquiries

Staff Attorney Diaz-Greco presented the request of three County employees in the month of November seeking assistance through a program overseen by the Miami-Dade Public Housing and Community Development Department and since neither they nor any of their immediate family members oversee or administer the programs, Staff Attorney Diaz-Greco recommended they be approved. Commissioner Schwartz made a motion to approve the recommendation. It was seconded by Commissioner Jacobowitz and unanimously approved **(4-0)**.

VI. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from November 1st – November 26th, 2019 and discussed **INQ 19-124** involving City of Miami Gardens Councilman David Williams and his inquiry as to whether he could hire his political consultant for services to be rendered at a city sponsored science fair. Councilman Williams was advised that this could be prohibited by the ethics code. The councilman declined to engage in the transaction after consultation with the Commission on Ethics.

VII. Executive Director's Report

Executive Director Jose Arrojo presented an investigative report **(PI 18-44)** regarding the practice of elected officials soliciting funds from private individuals or businesses to pay for community events. Mr. Arrojo stated that not every municipality has adopted the guidance that commission staff has provided in the past regarding this practice. The Ethics Commission gave staff the go-ahead to present a proposed opinion that would limit this practice.

Mr. Arrojo presented a revised version of **RQO 19-04**, Section 2-11.1(s), of the Ethics Code, Voting Conflicts and the Ethics Commission issued a formal opinion specifying the voting conflict section of the County Ethics Code imposes an automatic prohibition on an elected official's vote or participation on a matter if he or she holds a primary position with an entity that might be affected by vote. Commissioner Schwartz moved to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

Executive Director Arrojo presented a resolution opposing Florida House Bill 611 and Florida Senate Bill 766, and other similar legislation, that would preempt local ordinances requiring local lobbyists to receive training in ethics, conflict of interest, and public meeting and records law. Commissioner Schwartz moved to approve the resolution. It was seconded by Commissioner Jacobowitz and unanimously approved **(4-0)**.

Executive Director Jose Arrojo provided an update to the Commission as to the selection of a General Counsel. After reviewing packets of information for each of the 12 finalists for the position, the Commission requested additional

information on each of the candidates and agreed to have Executive Director Arrojo screen the pool of candidates down to six. The Commission will interview the final candidates at the next Commission meeting and will ultimately make a selection for the position.

Bob Brazofsky, Executive Director of Social Sciences, for Miami-Dade County Public Schools, was recognized and presented with a plaque by the Commission for his decade-long service in support of thousands of students that have participated in Ethical Governance Day, a yearly event emphasizing youth civic engagement.

VIII. Complaints (In Open Session)

Advocate Michael Murawski presented a response to a Motion in Limine and to Dismiss Counts and Exclude Evidence for case **(C 18-18-09)** involving State Representative Michael Grieco. After hearing arguments, Commissioner Schwartz made a motion that the the defense is not obligated to stipulate to any document that they choose not to. Commissioner Bernier seconded the motion and it was unanimously approved **(4-0)**. Commissioner Schwartz then made a motion to deny the Motion in Limine and allow the admissibility of two newspaper articles as potential evidence in the case. Commissioner Bernier seconded the motion and it was passed **(3-1)**. Commissioner Jacobowitz opposed.

Advocate Murawski presented a Motion to Ratify an alternative recommended Letter of Guidance to the Bay Harbor Islands Council in complaint **(C 19-29-07)**. The Commission indicated that the original Letter of Guidance and not the alternative letter, produced by the Bay Harbor Islands Assistant Town Attorney, reflects the concerns of the Commission. It was decided that commission staff will produce a new Letter of Guidance using the original letter as the foundation and making necessary amendments from there.

Advocate Murawski presented a Motion for Continuance in complaint **(C 19-05-02)** involving former Opa-Locka Mayor John Riley. Mr. Murawski indicated that a defense continuance was filed because of the unavailability of Mr. Riley and his attorney. Commissioner Schwartz made a motion to grant the continuance. Commissioner Jacobowitz seconded the motion and it was unanimously approved **(4-0)**.

Staff Attorney Martha Perez presented a Motion to ratify a Letter of Instruction in complaint **(C 19-35-09)**. Commissioner Schwartz made a motion to approve the Letter of Instruction. It was seconded by Commissioner Jacobowitz and unanimously approved **(4-0)**.

At 12:07 PM, the Commission went into closed session.

Advocate Murawski presented a Stipulation to a finding of Probable Cause and Settlement Agreement in complaint **(C 19-42-10)**. In open session, Commissioner Schwartz made a motion to accept the Stipulation to a Finding of

Probable Cause and to accept the Settlement Agreement. It was seconded by Commissioner Jacobowitz and unanimously approved **(3-0)**. Commissioner Bellido recused himself from hearing this complaint.

Advocate Murawski presented a Motion to Approve a Finding of No Legal Sufficiency in complaint **(C 19-46-11)**. In open session Commissioner Jacobowitz made a motion to approve the findings of No Legal Sufficiency. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

Advocate Murawski presented no objection to a Request for Continuance from the respondent's counsel on complaint **(C 19-30-08)**. In open session Commissioner Schwartz made a motion to approve the Continuance. It was seconded by Commissioner Jacobowitz and unanimously approved **(4-0)**.

Advocate Murawski presented a Motion to find No Probable Cause in complaint **(C 19-34-09)** filed against the City of Homestead Chief of Police, Al Rolle. In open session Commissioner Jacobowitz made a motion to approve the finding of No Probable Cause. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

Staff Attorney Perez presented a Motion to Dismiss complaints **(C 19-40-10)** and **(C 19-41-10)** despite a finding of Probable Cause. In open session Commissioner Jacobowitz made a motion to a finding of Probable Cause and Dismissal with a Letter of Instruction. It was seconded by Commissioner Schwartz and unanimously approved **(4-0)**.

Staff Attorney Perez presented a Motion to Approve a Finding of No Legal Sufficiency in complaint **(C 19-43-11)**. In open session Commissioner Jacobowitz made a motion to approve the findings of No Legal Sufficiency. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

Advocate Murawski presented a Motion to find No Probable Cause in complaints **(C 19-44-11)** and **(C 19-45-11)** filed against City of Miami Beach Commissioner Ricky Arriola and Miami Beach Mayor Dan Gelber. In open session Commissioner Jacobowitz made a motion to approve the finding of No Probable Cause. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

Advocate Murawski presented a Motion for Extension of Time on complaint **(C 19-47-11)**. In open session Commissioner Schwartz made a motion to approve the Extension of Time. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

Advocate Murawski presented subpoena requests in cases **(PI 19-14)** , **(PI 19-34)** , and **(PI 18-23)**.

IX. Old Business

Commissioner Jacobowitz nominated Commissioner Nelson Bellido as the new Chairman of the Ethics Commission. It was seconded by Commissioner Schwartz and unanimously approved **(4-0)**.

Commissioner Schwartz nominated Commissioner Judith Bernier as the new Vice-Chair of the Ethics Commission. It was seconded by Commissioner Jacobowitz and unanimously approved **(4-0)**.

X. Adjournment

There being no further business, the meeting adjourned at 12:38PM.

Prepared by Leonardo Mendoza, Public Information Officer