



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions

Meeting of May 8, 2019

The Miami-Dade Commission on Ethics (COE) convened in the County Commission Chambers, 111 NW First Street, Miami, FL, on May 8, 2019. Present were Chairman H. Jeffrey Cutler, Vice-Chairman Nelson Bellido and Commissioners 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; Rhonda Victor Sibilia, Communications Director; Rachelle Ross, Executive Secretary; other staff members 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

Vice Chair Bellido made a motion to approve the minutes of the April 10, 2019, meeting. Commissioner Jacobowitz seconded it and it was unanimously approved **(4-0)**.

II. Public Comment

None.

III. 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 immediate family members are employed by the Miami-Dade Public Housing and Community Development Department, recommended approval. Vice Chair Bellido moved to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

IV. Housing requests

Staff Attorney Diaz-Greco presented the requests of four County employees seeking assistance through a program overseen by the Miami-Dade Public Housing and Community Development Department, and since they nor any of their family members oversee or administer the program, recommended it be approved. Vice Chair Bellido moved to approve the recommendation. It was seconded by Commissioner Bernier and unanimously approved **(4-0)**.

V. COE Bylaws

Staff Attorney Diaz-Greco presented proposed changes to the Ethics Commission bylaws, but Chairman Cutler deferred the item to the next meeting for all to have time to review his suggested amendments.

VI. Outside Employment Resolution

Staff Attorney Diaz-Greco presented a memo and attachments regarding last month's rollout of the new online system for Miami-Dade County employees to seek permission to participate in outside employment, including the COE resolution providing for a 90-day grace period for those who did not report their participation in 2018.

VII. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from April 1 - 26, 2019 and discussed **INQ 19-37**. Vice Chair Bellido asked about **INQ 19-43** to which Director Arrojo stated that one County Commissioner requested to revisit the Ethics Code regarding relatives of elected officials seeking to do business with the County government and said he would seek policy direction from the Ethics Commission on the topic.

VIII. Miami Beach Lobbyist Appeals

Staff Attorney Martha Perez presented appeals of two individuals who registered as lobbyists in Miami Beach, but failed to file the required expenditure and compensation forms by their due dates. The following actions were taken:

-- Commissioner Bernier made a motion to reduce the \$650 fine to 10% or \$65 for Michael Band, who was present and did not object. Commissioner Jacobowitz seconded the motion and it was unanimously approved (**3-0**, Bellido recused).

-- Vice Chair Bellido made a motion to reduce the \$4,400 fine to 5% or \$220 for Jennifer McConney, who was present and did not object. Commissioner Jacobowitz seconded the motion and it was unanimously approved (**4-0**).

IX. Executive Director's Report

-- Executive Director Jose Arrojo opened discussion on a possible Request for Opinion regarding the Citizens' Bill of Rights and Public Officials' obligation to prevent unregistered lobbying.

-- He also said he would seek input on possibly closing a loophole in the lobbying ordinance pertaining to non-competitive bids that are not reviewed by elected or appointed officials, but instead determined by procurement staff.

-- The Executive Director planned further research and discussion on amending the COE's Rules of Procedure regarding unsubstantiated or "bad faith" anonymous complaints and their publication on the agency website.

-- Mr. Arrojo presented an ordinance approved on first reading by the Board of County Commissioners the day before that requires all municipalities in the County to enact employee protection ordinances by October 1, 2010. Because the ordinance enables municipal employees who are not satisfied by their city's process to file a complaint of retaliation for the Ethics Commission to investigate, concern was expressed over the potential increase in workload for COE staff.

X. Complaints

-- Staff Attorney Martha Perez presented a corrected amendment to the Ethics Commission Rules of Procedure governing the payment of costs and attorney's fees from frivolous or groundless complaints to follow the standard set by the Florida Commission on Ethics and consistent with state statutes, changing the word "may" to "shall" impose the fees. Commissioner Jacobowitz made a motion to approve the amendment. It was seconded by Commissioner Bernier and unanimously approved (**4-0**).

-- Related to COE Rule 3.6 regarding frivolous complaints, Ms. Perez requested hearing dates for two of them. It was decided that **C 18-47-10** would be scheduled for 11:30 a.m. on Wednesday, July 10, 2019, and **C 18-48-10** would be heard at 11:30 a.m. on Wednesday, June 12, 2019.

-- Advocate Michael Murawski and Respondent's counsel Benedict Kuehne said that depositions have been taken from South Miami Mayor Phil Stoddard and City Attorney Jose Pepe in preparation for a hearing on **C 18-08-01**. Mr.

Kuehne also presented two subpoenas for Complainant Stephen Cody and his political committee, "A Better Miami-Dade, Inc.," which he hoped to complete within 30 days.

-- Advocate Murawski updated the "notice of invocation of legislative continuance" for **C 18-17-04**, since the Florida Legislature ended its session the prior weekend. Mr. Kuehne, counsel for respondent Michael Grieco, said the state representative is also exempt from legal proceedings for 15 days following the end of session. He and Mr. Murawski said they would work to schedule a hearing on the complaint after that period.

-- Advocate Murawski presented a proposed Letter of Instruction for El Portal Mayor Claudia Cubillos, who last month settled a complaint (**C 19-06-02**) of exploiting her official position when she asked a Village Code Enforcement Officer to use his personal pickup truck to move a donated piano to her private day care center. Vice Chair Bellido made a motion to ratify the Letter. It was seconded by Commissioner Jacobowitz and unanimously approved (**4-0**).

The Ethics Commission convened in closed session at 11:19 a.m., returned to open session at 11:29 a.m. and took the following actions:

-- Vice Chair Bellido made a motion to settle and dismiss a complaint (**C 17-36**) that a sales manager for Bell Helicopter Textron, Inc., violated the Cone of Silence when he communicated with County officials while his company was under consideration to provide helicopters to the Fire Rescue Department in 2017. Bill Hein agreed to pay \$500 in investigative costs and accept a Letter of Instruction. The motion includes a finding of No Probable Cause regarding Jonathan Castorena, Marlo Cruz, Andrea Gibbs, Anthony Moreland, Veronica Rojas and Chris Williams and dismissed allegations against Bell Helicopter because the COE cannot charge an entity with an ethics violation. Commissioner Bernier seconded the motion and it was unanimously approved (**4-0**).

-- Vice Chair Bellido made a motion to approve the respondent's request for a continuance until July the Probable Cause hearing for **C 19-05-02**. Commissioner Bernier seconded the motion and it was unanimously approved (**4-0**).

-- Vice Chair Bellido made a motion to approve the Advocate's request for an extension of time to make a Probable Cause Determination for **C 19-11-03**. Commissioner Bernier seconded the motion and it was unanimously approved (**4-0**).

-- Vice Chair Bellido made a motion to find No Legal Sufficiency and dismiss a complaint (**C 19-13-04**) against City of Miami Beach Building Department Director Ana Salgueiro because there was no violation of the Conflict of Interest and Code of Ethics Ordinance. Commissioner Bernier seconded the motion and it was unanimously approved (**4-0**).

-- Vice Chair Bellido made a motion to approve the Advocate's request for an extension of time to make a Probable Cause Determination for **C 19-14-04**. Commissioner Bernier seconded the motion and it was unanimously approved (**3-0**).

-- Vice Chair Bellido made a motion to approve the Advocate's request for an extension of time to make a Probable Cause Determination for **C 19-15-04**. Commissioner Bernier seconded the motion and it was unanimously approved (**4-0**).

-- Vice Chair Bellido made a motion to approve the Staff Attorney's request for an extension of time to make a Probable Cause Determination for **C 19-16-04**. Commissioner Bernier seconded the motion and it was unanimously approved (**4-0**).

-- Vice Chair Bellido made a motion to find No Legal Sufficiency to a complaint (**C 19-19-04**) filed by Sweetwater Mayor Orlando Lopez against City Commissioner Marcos Villanueva for helping former Mayor and current mayoral candidate Jose Diaz obtain public records. Mayor Lopez complained that the Commissioner violated the Fair Campaign Practices Ordinance, but since Villanueva is not a candidate for office, that law is not applicable to him. Commissioner Bernier seconded the motion and it was unanimously approved (**4-0**).

XI. Adjournment

There being no further business, the meeting adjourned at 11:33 a.m.



Prepared by Rhonda Victor Sibilia, Communications Director