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JMH board member settles ethics complaint

The Miami-Dade Commission on Ethics and Public Trust today agreed to a settlement with a member of the Public Health Trust Financial Recovery Board (FRB) who was accused of violating the Ethics Code. Two administrators for Jackson Health Systems had accused Stephen Nuell, a personal injury attorney, of regularly contacting them and pressuring them to negotiate with his clients, even after being asked not to. The Conflict of Interest and Code of Ethics Ordinance specifically prohibits advisory board members from doing business or representing third parties before the entities their board oversees or participating in settlement negotiations in claims or lawsuits involving those entities. Nuell agreed not to contest the allegations in two of the three counts in the complaint (**C 12-40**), and the Ethics Commission will dismiss the third. The agreement requires Nuell to pay a \$1,500 fine and either seek a formal opinion from the Ethics Commission regarding his continued service on the FRB or resign his position. His attorney announced today that Nuell sent his resignation to the County Commission this morning, effective June 1, 2013.

The COE issued two Letters of Instruction related to a complaint (**C 12-41**) against Miami City Commissioner Marc Sarnoff, in which Probable Cause was found at a hearing in November that he failed to properly disclose a gift when he and his wife traveled to Brazil for activities associated with the Volvo Ocean Race last spring. Sarnoff also traveled to two cities on behalf of the Greater Miami Convention and Visitors Bureau (GMCVB), which reimbursed him for a portion of the expenses. The Miami City Attorney had opined to the commissioner that, because he was partaking in an official activity, he did not need to report the trip as a gift. One Letter of Instruction to be issued to the City Attorney notes that the GMCVB is a private, not-for-profit organization which provided reimbursement directly to the commissioner and not through the city and should have been reported. Noting that Ethics Commission guidelines issued last year were intended for the use of tickets to local events, not for trips to exotic locales, the Letter states, "gifts of that sort deserve different consideration." A second Letter advises Commissioner Sarnoff that the reimbursement of his wife's airfare by the Volvo Ocean Race organization should be reported as a gift. It also encourages the Commissioner and other elected and appointed officials to seek opinions from the Ethics Commission when there is any question on the applicability of the ethics code.

An Opa-Locka code enforcement officer who agreed to settle ethics charges that he violated the Conflict of Interest and Code of Ethics Ordinance for failing to file required "outside source of income" forms for more than three years will soon have his wages garnished. Randolph Aikens, who had been working nights at his private security company without seeking permission from his city supervisor or reporting his outside wages, accepted a settlement to the complaint (**C 12-28**) that required him to pay a \$500 fine within 30 days of the September 25, 2012, agreement. Since he is delinquent by \$250, the Ethics Commission today ordered the City of Opa-Locka to deduct \$50 per pay period from his salary until the balance is paid.

The Ethics Commission agreed to settle a complaint (**C 13-05**) against a member of the Coral Gables Advisory Board on Disability Affairs who failed to file the required source of income statement. After Probable Cause was found last month, Linda Scarcell filed the form with the Coral Gables City Clerk and paid investigative costs of \$50 to the Ethics Commission.

In other action today, Executive Director Joseph Centorino reported that he and his staff have begun presenting a “boot camp” of ethics training to more than 200 Miami Beach employees who work in regulatory agencies or positions. The first-of-its-kind program is the result of an interlocal agreement initiated by the City of Miami Beach following a series of criminal cases involving city employees. The employees will take part in more than twelve hours of intensive instruction, presentations, scenarios and interviews throughout the summer.

Centorino introduced new investigators, Larry Lebowitz and Robert Steinback, formerly of the Miami Herald, who officially joined the staff last week. He also announced the hiring of attorney Gilma Diaz-Greco, who will begin part-time work with the legal staff in June. Ms. Diaz-Greco is an adjunct professor of business law, economics, business and management at Miami-Dade College who earned her Bachelor and Juris Doctor Degrees from the University of Miami.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

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