

# Miami-Dade Commission on Ethics and Public Trust



**Coral Gables  
Boards and Committees  
Ethics Seminar**

# Ethics in Public Service

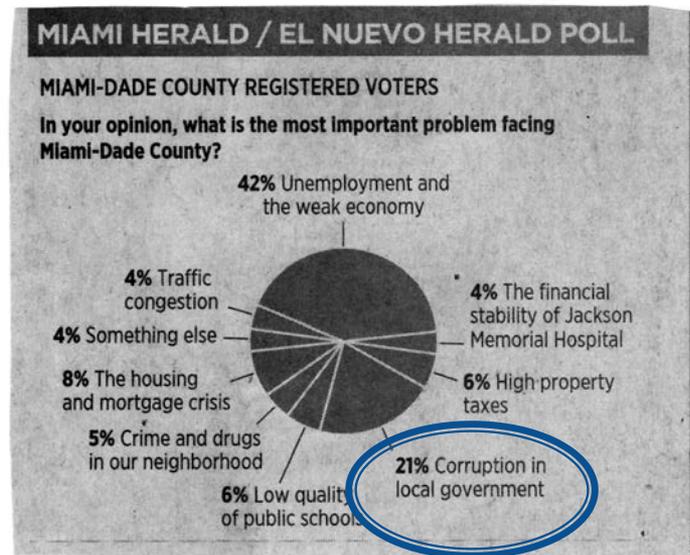
The proper operation of a democratic government requires that:

- actions of public employees be impartial
- that government decisions and policies be made in the proper channels of the governmental structure
- that public office not be used for personal gain
- and that the public have confidence in the integrity of its government.

# Ethics in Public Service

- Employees will conduct themselves in appearance and deportment in such a manner as to inspire *confidence and respect* for the position of public trust they hold.
- Employees must not receive private or special advantage from their official status.
- Ethical governance promotes confidence in the integrity of public servants and encourage members of the public to participate and serve their communities.

# Perception is everything



Published 1/23/12

### Commissioner cleared of law-breaking but chastised for rudeness

By Christina Veiga  
The Miami Herald

After finally dismissing a slew of complaints against South Miami Vice Mayor Valerie Newman, the Miami-Dade Commission on Ethics and Public Trust has issued a letter reminding her that "rude, boorish and tyrannical behavior by elected officials, while perhaps not actionable under an ethics code, is nevertheless."

The firmly-worded reprimand was issued after it dismissed the final of several ethics charges of conduct by interfering with city employees' job

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"In short, City govt She wa W. AJF

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already paid back \$1,400 of December 2004 and June 2005. The commission

Miami-Dade prosecutors will eventually drop a grand theft charge against Pinder in exchange for the settlement.

Pinder, however, is facing more-serious charges. He is awaiting trial on racketeering charges levied in 2008 for allegedly accepting cash, allegedly staying at a hotel and dispersing for his girlfriend's children to suppose contracts for two companies that held city contracts.

In September, business and engineer Emmanuel Nwadike pleaded guilty to money laundering and agreed to testify against Pinder and others awaiting trial in the case.

DAVID OVALLE

DAVID OVALLE

# LOCAL & STATE

## Regalado to pay ethics fine

MIAMI — A former Miami-Dade County Commissioner, Regalado, has agreed to pay a \$100,000 ethics fine for interfering with city employees' job performance.

MIAMI CITY'S TOP FINANCIAL OFFICER PLEADS GUILTY

The city of Miami's chief financial officer, Larry Spring, pleaded guilty Thursday to charges that he violated Miami-Dade County's Conflict of Interest and Code of Ethics ordinance by not filing financial disclosure forms for three years beginning in 2007.

The finding of probable cause by the county's Commission on Ethics and Public Trust stemmed from information provided to the agency by the county's Office of Inspector General in November 2010, which alleged Spring had failed to file the forms.

CHARLES RABIN

CHARLES RABIN

CHARLES RABIN

## Mayor settles ethics charges

MIAMI — Mayor Manny Diaz has agreed to pay a \$100,000 ethics fine for interfering with city employees' job performance.

MIAMI BEACH'S TRADITION OF PAYING TO SEND THE SPOUSES OF COMMISSIONERS AND THE CITY MANAGER TO SWITZERLAND EACH SUMMER AS PART OF AN ART BASEL DELEGATION HAS BEEN CRITICIZED.

MIAMI BEACH

## Business with city triggers fine

MIAMI — A North Miami police officer was fined after an ethics panel found probable cause that he profited from installing cameras in the mayor's office.

Police Chief Stephen Johnson said that Officer James Mendior was never supposed to get paid to do the work.

Johnson said he didn't know which companies were paid to do the job. He said he gave his approval of the invoice over the phone and never saw them because he was out of town. He said the first time he saw the invoice was when Florida Department of Law Enforcement investigators questioned him about approving them.

Johnson told the ethics investigator that he did not know Mendior profited from the operation. Cling is ongoing investigation in North Miami. FDLE declined to comment.

The ethics investigation found probable cause on three counts to fine Mendior.

MIAMI BEACH



Opalocka Mayor M...

## Former North Miami Beach mayor cleared in ethics case

BY Nadege Green  
Former North Miami Beach Mayor Myron Roemer's two-year case before the ethics commission has ended in an acquittal.

In 2009, the commission found probable cause that Roemer used his official position to obtain a permit to add an awning to his home without seeking a required variance. Roemer was a councilman at the time.

In its deliberations to determine whether Roemer misused his position, the commission deadlocked. The vote was 2-2. A fifth member of the commission did not vote because he previously served with Roemer in the Miami-Dade League of Cities.

MIAMI BEACH

MIAMI BEACH

## As Art Basel nears, so does 'junket'

MIAMI BEACH'S TRADITION OF PAYING TO SEND THE SPOUSES OF COMMISSIONERS AND THE CITY MANAGER TO SWITZERLAND EACH SUMMER AS PART OF AN ART BASEL DELEGATION HAS BEEN CRITICIZED.

MIAMI BEACH

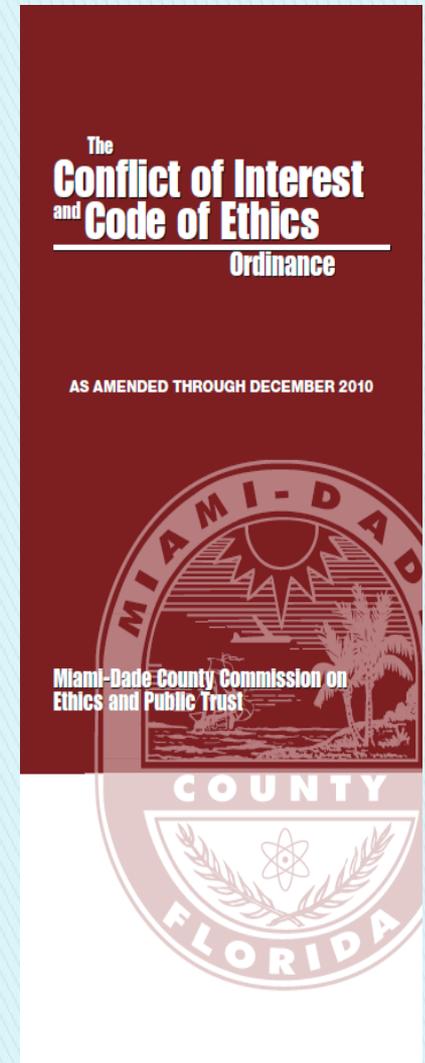
# Who we are

The Ethics Commission was created as an independent agency with advisory and quasi-judicial powers following an amendment to the Miami-Dade County Home Rule Charter, approved by voters in 1996.



# What we do

- ▶ Ethics Commission and State Attorney have concurrent jurisdiction over the Conflict of Interest and Code of Ethics Ordinance.
- ▶ Ethics Commission also has responsibility to enforce Ethical Campaign Practices Ordinance and Citizens' Bill of Rights.
- ▶ Completely independent of local government (except budget).
- ▶ The Ethics Commission is comprised of five volunteers who meet specific criteria for appointment. Usually meet once a month.



# An independent body



# Executive Director Joseph Centorino

Former Assistant Miami-Dade  
State Attorney & Chief of the  
Public Corruption Unit,  
oversees staff and day-to-day  
functions of the office.



# Mission and Responsibilities

- ▶ The COE has jurisdiction over elected officials, employees and advisory board members in Miami-Dade County and all 36 municipalities.
- ▶ Ordinance also covers some contract vendors and lobbyists.
- ▶ Work closely with the Office of the Inspector General, the State Attorney's Office and local, state and federal law enforcement agencies.
- ▶ Staff is comprised of attorneys and legal clerks, investigators, former journalists and administrative support.
- ▶ Functions include community outreach, advice-giving and enforcement.



# Outreach

The Education and Outreach program include training sessions, workshops, conferences and seminars for:

- ▶ County and municipal government personnel
- ▶ Elected officials
- ▶ Advisory board members
- ▶ Lobbyists
- ▶ Political candidates
- ▶ Non-profit organizations
- ▶ Businesses, civic groups and other agencies
- ▶ Students



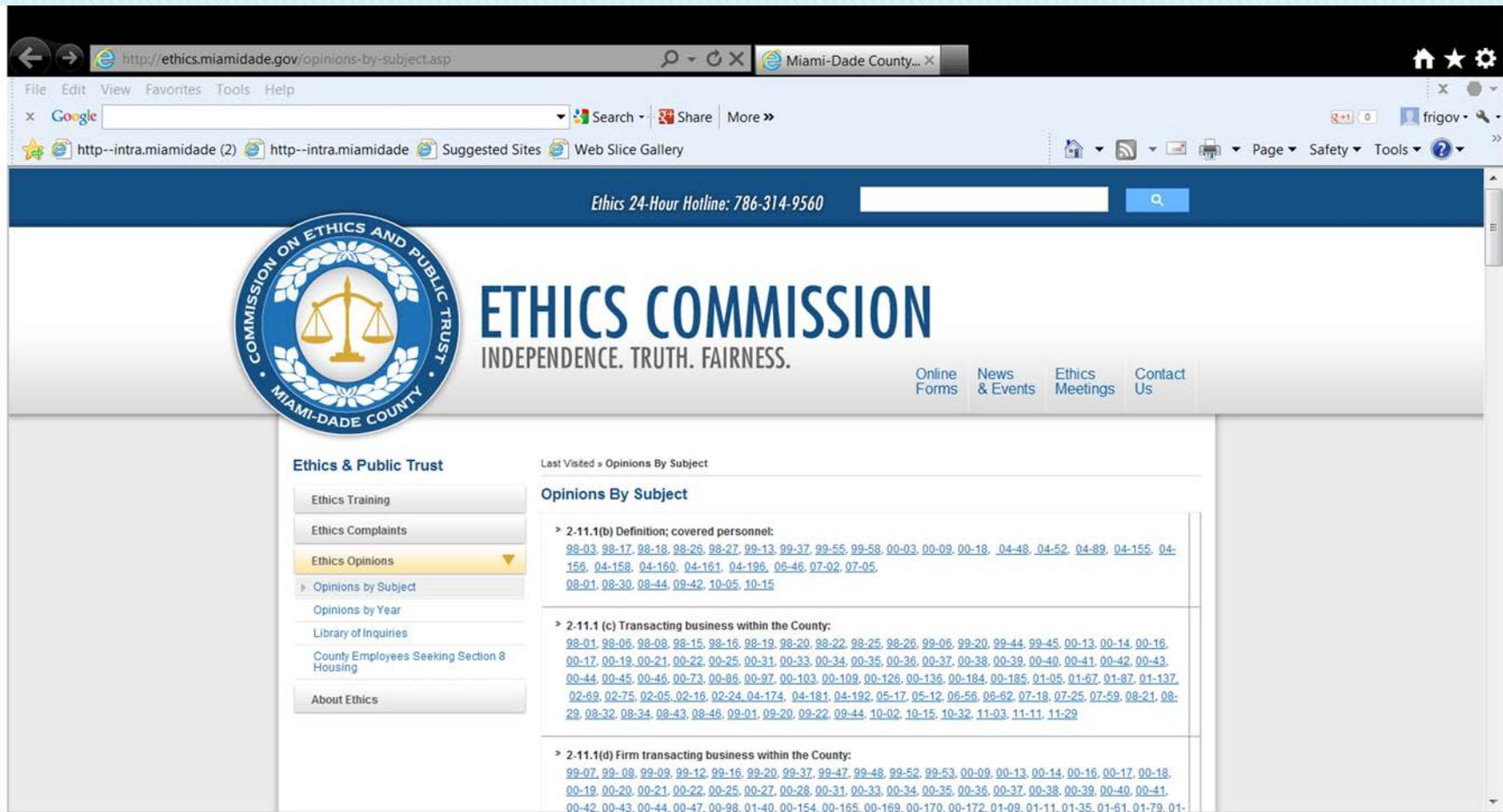


# Advice giving

- ▶ Provide anyone within the jurisdiction of the Ethics Commission with advice about the proper interpretation or applicability of ordinances concerning contemplated conduct, either as
  - An inquiry (informal)
  - Request for opinion (RQO– decided by COE).
- ▶ Assuming all relevant facts of the situation are provided, an Ethics Commission opinion is legally protective.
- ▶ Note in the request if it is time sensitive.
- ▶ Past responses are public records, posted and searchable on the website: [ethics.MiamiDade.gov](http://ethics.MiamiDade.gov)



# Opinions on line: ethics.MiamiDade.gov



The screenshot shows a web browser window displaying the Miami-Dade County Ethics Commission website. The browser's address bar shows the URL <http://ethics.miamidade.gov/opinions-by-subject.asp>. The website header includes the text "Ethics 24-Hour Hotline: 786-314-9560" and a search bar. The main content area features the Ethics Commission logo, which is a circular seal with a scale of justice in the center, surrounded by the text "COMMISSION ON ETHICS AND PUBLIC TRUST" and "MIAMI-DADE COUNTY". To the right of the logo, the text "ETHICS COMMISSION" is displayed in large blue letters, with the tagline "INDEPENDENCE. TRUTH. FAIRNESS." below it. A navigation menu includes links for "Online Forms", "News & Events", "Ethics Meetings", and "Contact Us".

On the left side of the page, there is a sidebar titled "Ethics & Public Trust" with several menu items: "Ethics Training", "Ethics Complaints", "Ethics Opinions" (which is highlighted with a yellow background and a dropdown arrow), "Opinions by Subject", "Opinions by Year", "Library of Inquiries", "County Employees Seeking Section & Housing", and "About Ethics".

The main content area is titled "Last Visited » Opinions By Subject" and "Opinions By Subject". It contains three sections of links, each preceded by a right-pointing chevron:

- 2-11.1(b) Definition; covered personnel:**  
[98-03](#), [98-17](#), [98-18](#), [98-26](#), [98-27](#), [99-13](#), [99-37](#), [99-55](#), [99-58](#), [00-03](#), [00-09](#), [00-18](#), [04-48](#), [04-52](#), [04-89](#), [04-155](#), [04-158](#), [04-158](#), [04-160](#), [04-161](#), [04-198](#), [05-46](#), [07-02](#), [07-05](#), [08-01](#), [08-30](#), [08-44](#), [09-42](#), [10-05](#), [10-15](#)
- 2-11.1 (c) Transacting business within the County:**  
[98-01](#), [98-06](#), [98-08](#), [98-15](#), [98-16](#), [98-19](#), [98-20](#), [98-22](#), [98-25](#), [98-26](#), [99-06](#), [99-20](#), [99-44](#), [99-45](#), [00-13](#), [00-14](#), [00-16](#), [00-17](#), [00-19](#), [00-21](#), [00-22](#), [00-25](#), [00-31](#), [00-33](#), [00-34](#), [00-35](#), [00-36](#), [00-37](#), [00-38](#), [00-39](#), [00-40](#), [00-41](#), [00-42](#), [00-43](#), [00-44](#), [00-45](#), [00-46](#), [00-73](#), [00-86](#), [00-97](#), [00-103](#), [00-109](#), [00-126](#), [00-136](#), [00-184](#), [00-185](#), [01-05](#), [01-67](#), [01-87](#), [01-137](#), [02-69](#), [02-75](#), [02-05](#), [02-18](#), [02-24](#), [04-174](#), [04-181](#), [04-192](#), [05-17](#), [05-12](#), [06-56](#), [06-62](#), [07-18](#), [07-25](#), [07-59](#), [08-21](#), [08-28](#), [08-32](#), [08-34](#), [08-43](#), [08-48](#), [09-01](#), [09-20](#), [09-22](#), [09-44](#), [10-02](#), [10-15](#), [10-32](#), [11-03](#), [11-11](#), [11-29](#)
- 2-11.1(d) Firm transacting business within the County:**  
[99-07](#), [99-08](#), [99-09](#), [99-12](#), [99-16](#), [99-20](#), [99-37](#), [99-47](#), [99-48](#), [99-52](#), [99-53](#), [00-09](#), [00-13](#), [00-14](#), [00-16](#), [00-17](#), [00-18](#), [00-19](#), [00-20](#), [00-21](#), [00-22](#), [00-25](#), [00-27](#), [00-28](#), [00-31](#), [00-33](#), [00-34](#), [00-35](#), [00-36](#), [00-37](#), [00-38](#), [00-39](#), [00-40](#), [00-41](#), [00-42](#), [00-43](#), [00-44](#), [00-47](#), [00-98](#), [01-40](#), [00-154](#), [00-165](#), [00-169](#), [00-170](#), [00-172](#), [01-09](#), [01-11](#), [01-35](#), [01-61](#), [01-79](#), [01-](#)

# Most common advice subjects:

- ▶ Doing business with one's government
- ▶ Voting conflicts
- ▶ Gifts
- ▶ Outside employment

Email questions to: [ethics@miamidade.gov](mailto:ethics@miamidade.gov)

# Enforcement

- ▶ Respond to complaints or tips that come into our office or can self-initiate complaints and investigations
- ▶ Investigators have subpoena powers



# Filing a complaint

Citizens can submit a notarized complaint on a form provided by the Ethics Commission. The complaint must:

- ▶ Allege a violation within COE's jurisdiction
- ▶ Be based on substantial personal knowledge
- ▶ Include as much evidence as possible.

Citizens can leave information and tips anonymously on the COE hotline at (786) 314-9560 for review by the legal unit.

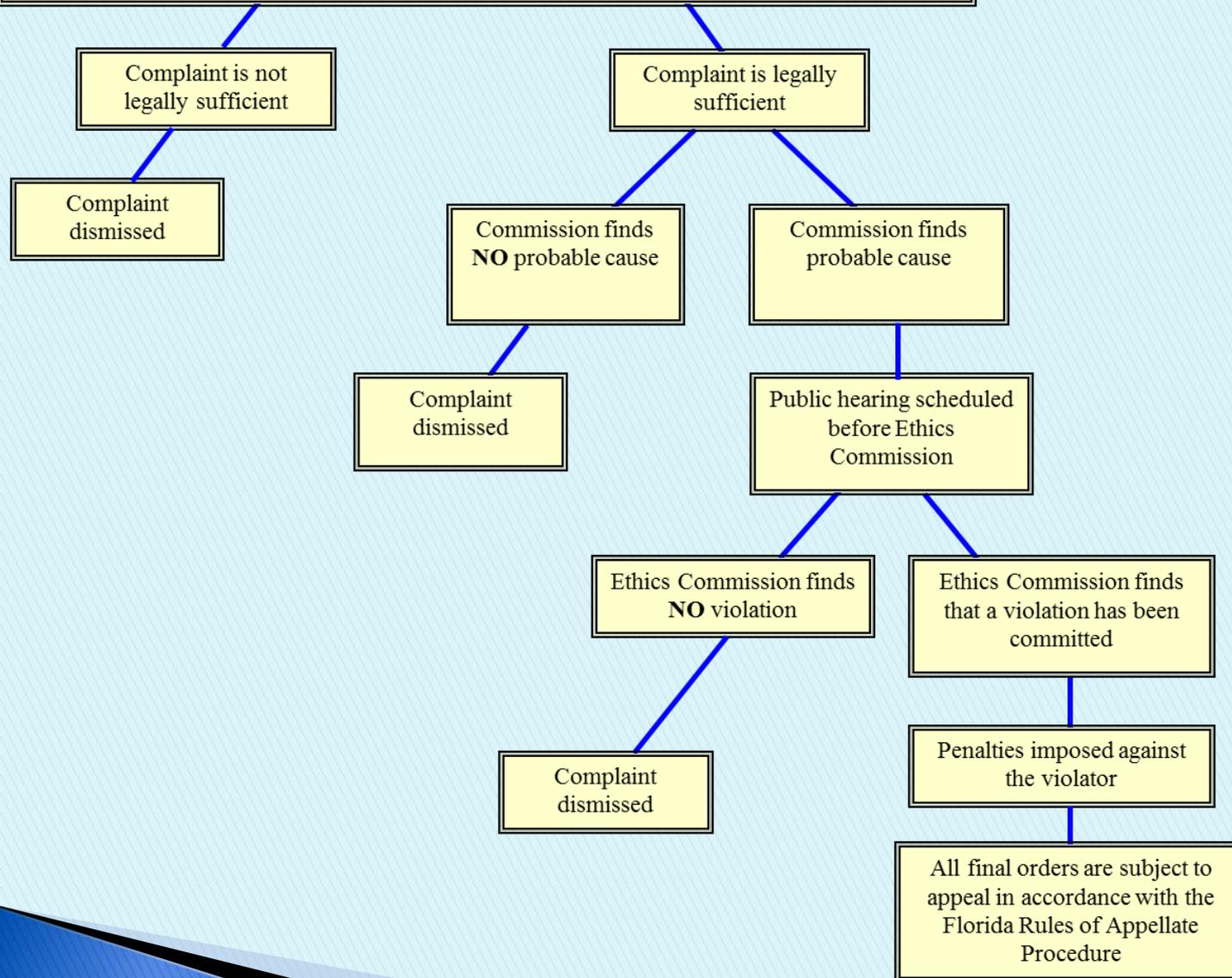
The Advocate is also authorized to initiate complaints.

# Filing a complaint



- ▶ Within 30 days after receipt of the complaint, the COE will send a copy to the alleged violator.
- ▶ A complaint is not made public unless probable cause is determined or it is dismissed.
- ▶ Those filing frivolous or groundless complaints may be charged investigative costs and legal fees.
- ▶ The Ethics Commission does NOT hear complaints involving personnel or other human resources issues.

# Commission on Ethics & Public Trust Formal Complaint Process



NO DRINKING WATER  
HERE



# Avoid trouble—follow the rules!

Coral Gables, Code of Ordinances Chapter 2 – ARTICLE V. CONFLICT OF INTEREST AND CODE OF ETHICS

## ARTICLE V. CONFLICT OF INTEREST AND CODE OF ETHICS

Sec. 2-222. Designation.

Sec. 2-223. Declaration of policy.

Sec. 2-224. Purposes of article.

Sec. 2-225. Definitions.

Sec. 2-226. Gifts.

Sec. 2-227. Exploitation of official position prohibited.

Sec. 2-228. Prohibition on use of confidential information.

Sec. 2-229. Conflicting employment prohibited.

Sec. 2-230. Prohibition on outside employment.

Sec. 2-231. Prohibited investments.

Sec. 2-232. Certain appearances and payment prohibited.

Sec. 2-233. Actions prohibited when financial interests involved.

Sec. 2-234. Acquiring financial interests.

Sec. 2-235. Recommending professional services.

Sec. 2-236. Continuing application after city service.

Sec. 2-237. City attorney to render opinions on request.

Sec. 2-238. Proceedings by the county commission on ethics and the state commission on ethics.

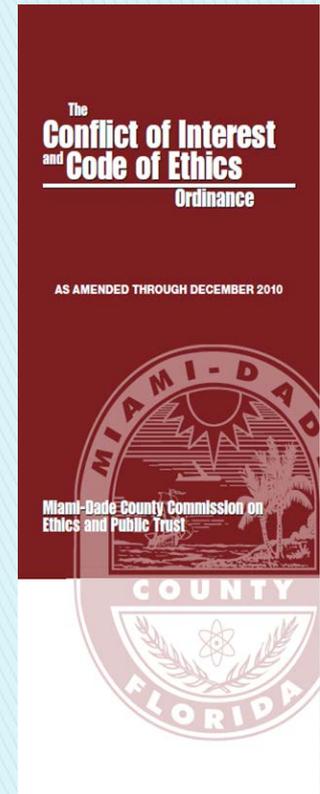
Sec. 2-239. Penalties and personnel action.

Sec. 2-240. Fair campaign practices.

Sec. 2-241. Procedure on complaint of violation.

Sec. 2-242. Applicability.

Sec. 2-243. Lobbying.



Florida Code of Ethics

# Transacting business

Advisory and quasi-judicial board members or their immediate family members may not contract with any agency or department subject to the regulation, oversight, management, policy-setting, or quasi-judicial authority of the board of which the person is a member.

Miami-Dade defines immediate family members include spouse, domestic partner, parents, stepparents, children and stepchildren.

What is Coral Gables's definition?

# Gifts

It is unlawful to solicit or demand a gift in exchange for an official duty or public action. (No *quid pro quo*)

- A gift is defined as anything of economic value, including meals, travel, loans, entertainment, hospitality, or a promise of such, without adequate consideration.
- All gifts or series of gifts within a quarterly period that exceed \$100.00 in value must be reported.
- Food and beverages consumed at a single meal are considered a single gift and shall not be reported if the value for that meal does not exceed \$100.00.

# Exemptions to gift rules

- Gifts solicited for official government business (publicly-sponsored events, charitable activities, and other government-authorized events).
- Gifts exchanged between co-workers, relatives, and friends.
- Political contributions, awards for civic and professional achievement, informational books, pamphlets, and related materials that are instructive or promotional in nature.
- Gifts solicited by commissioners or their staff members on behalf of any nonprofit organization for use solely by that organization.

# Exploitation of official position

Elected officials, city or County managers, city or County attorneys, department heads, advisory board members and employees may not use or attempt to use their official position to secure special privileges and exemptions for themselves or others.

# Confidential information

Elected officials, managers, department heads, attorneys, advisory board members and employees—

- May not accept employment or engage in any business or professional activity that they might reasonably expect would require or induce them to disclose confidential information acquired by reason of their official position.
- May not disclose confidential information obtained through their official position.
- May not use such information, directly or indirectly, for personal gain or benefit.

# Appearances

Regarding the board on which they serve, advisory and quasi-judicial personnel –

- May not appear before the board on behalf of third parties seeking a benefit from the board. This means that the board member cannot submit documents or correspondence, appear in meetings with staff, or appear before the board on behalf of a client, organization, or nonprofit.
- May not received compensation from third parties seeking a benefit from the board.

# Financial interests

- Quasi-judicial and advisory personnel shall not participate in any official action directly or indirectly affecting a business in which he or she or any member of his or her immediate family has a financial interest.
- Quasi-judicial and advisory personnel shall not acquire a financial interest in a project, business entity, or property at a time when they have reason to believe it will be directly affected by their official actions.

# Recommending professional services

Quasi-judicial and advisory personnel may not recommend the services of any lawyer, architect, public relations professional or any other person or firm to assist in any transaction involving the municipality or any of its agencies.

# Lobbying

A “lobbyist” is defined as anyone employed to encourage the passage, defeat, or modifications of any ordinance, resolution, action, or decision of the commission, board, committee or administrator at any time during the decision-making process.

A lobbyist must register, pay an annual fee and file timely expenditure reports. Those who lobby Miami-Dade County and some municipalities are required to take Ethics training.

A principal and his/her lobbyist must submit a joint affidavit stating that the principal has not offered and the lobbyist has not agreed to accept any contingency or success fees.

# Who is not a lobbyist?

- Attorneys or others retained to represent individuals and corporate entities in quasi-judicial proceedings.
- Expert witnesses who provide specialized information during public meetings.
- Representatives of nonprofits (HOAs) who appear at publicly noticed meetings without special compensation.
- Community-based organizations seeking grants.
- Individuals who appear in their own capacity.
- Any public officer, employee or appointee who appears in his or her official capacity.

# Voting Conflicts

Board members may not vote on any matter if they will be directly affected by the action and if they have any of the following relationships with the persons and entities appearing before the board—

officer

partner

consultant

fiduciary

stockholder

debtor

director

of counsel

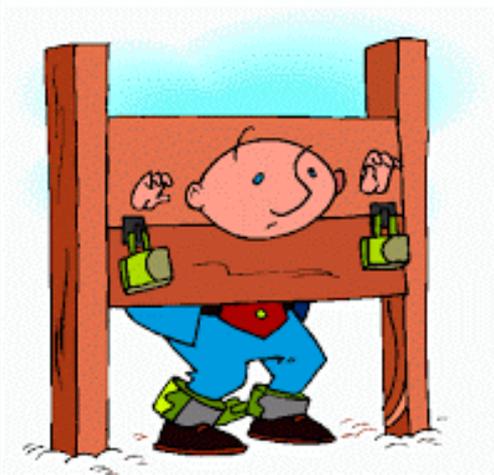
employee

beneficiary

bondholder

creditor

# Penalties



- Admonition or public reprimand
  - \$500 fine for the first violation
  - \$1,000 fine for each subsequent violation
  - \$1,000 fine for the first intentional violation
  - \$2,000 fine for each subsequent intentional violation
- 
- Investigative costs, not to exceed \$500 per violation
  - Restitution by the person or third party who received a pecuniary benefit
  - When prosecuted and found guilty in state court, a fine not to exceed \$500 or imprisonment for not more than 30 days, or both

# The Miami–Dade Ethics Commission

- ▶ Nelson Bellido, Chair
- ▶ Lawrence A. Schwartz, Vice–Chair
- ▶ Judith Bernier
- ▶ H. Jeffrey Cutler
- ▶ Marcia Narine



- ▶ Joseph M. Centorino, Executive Director

Hotline: 786–314–9560

E-mail: [ethics@miamidade.gov](mailto:ethics@miamidade.gov)

Fax: 305–579–0273

Request a speaker: 305–350–0630

Web: [ethics.miamidade.gov](http://ethics.miamidade.gov)