



MIAMI BEACH

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LETTER TO COMMISSION


TO: Mayor Matti H. Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: December 2, 2009

SUBJECT: **THE NEW ETHICS BEAT – NEWSLETTER OF THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST**

Attached for your perusal is a copy of The New Ethics Beat.

JMG/REP 

Cc: Hilda Fernandez, Assistant City Manager
Jorge Gomez, Assistant City Manager
Robert Middaugh, Assistant City Manager
Dolores Mejia, Special Projects Coordinator
Jose Smith, City Attorney

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THE NEW ETHICS BEAT

The Newsletter of the Miami-Dade County Commission on Ethics and Public Trust

19 West Flagler Street ■ Suite 820 ■ Miami, FL 33130 ■ www.miamidadeethics.com

Ethics & Media Conference draws crowd and rave reviews

Fall 2009

As technology rapidly changes how information is exchanged and who delivers it, more than 150 representatives of the news business, government, politics, academia and the law discussed topics related to Ethics and the Media at a day-long conference at the University of Miami on October 16. The event was sponsored by the Commission on Ethics and Public Trust, UM's School of Communication and the Society of Professional Journalists.



Syndicated columnist Leonard Pitts, Jr., encouraged participants at the Ethics & the Media Conference to question the source of facts from alternative media sources as well as from cable T.V. and radio talk show hosts. Photo by Carlos

It featured more than two dozen distinguished panelists from Miami-Dade and Broward County discussing topics focusing on *Media, Law and Public Access; Government Information: Presentation and Perception; The Revolving Door between Government and Media; The Appearance of Impropriety; and Political Smears and Media Manipulation.*

One of the biggest draws was keynote speaker Leonard Pitts, Jr. The Pulitzer Prize-winning syndicated columnist

discussed how truth is being manipulated for political and philosophic gain, threatening rational debate on issues critical to our nation's future.

The conference illustrates one of the key missions of the Ethics Commission – bringing valuable information and debate to different sectors of our community. A conference on issues relating to public procurement is in the works for 2010.

INSIDE THIS ISSUE	
1	Ethics and the Media Conference
2	Executive Director's Corner
2	Beat Bits
3	On the Campaign Trail
4	Words to the Wise



An attentive audience listens as former Miami-Dade County Commissioner Miguel Diaz de la Portilla expresses his thoughts on an "Appearance of Impropriety" statute at the Ethics & Media Conference.

BEAT BITS

Can we talk?

What is being done to make local government officials more accountable and how can you get involved? Find out by inviting a representative of the Ethics Commission to your organization's next gathering. As part of its emphasis on community outreach and education, the Ethics Commission offers speakers for any professional, civic, religious or social group.

Your members can learn about the safeguards and oversight mechanisms Miami-Dade County has adopted in the past decade to ensure tax dollars are spent properly. You'll hear what is being done to discipline county and city politicians and employees who act unethically. The presentation – which can be customized for each organization – includes discussion of steps being taken to create more open, competitive, transparent and fair local government practices and processes.

To reserve a speaker, call Robert Thompson at 305-350-0630 or e-mail robthom@miamidade.gov.

Hotline operators are standing by!

Do you know about unethical behavior among government officials? Call the Miami-Dade Ethics Commission hotline at 786-314-9560 to report it – anonymously, if you prefer.

The hotline is continuously monitored by experienced investigators who want to hear about wrong-doing among politicians and employees of Miami-Dade County and all of the municipalities.

Call 786-314-9560 any time.

Executive Director's Corner

Not just a "slap on the wrist"

The notion of the punishment fitting the crime is a principle of justice that argues for a proportional penalty based upon the type of offense. In the case of ethics enforcement, there is the tendency to perceive that those who violate ethics rules receive nothing more than a slap on the wrist. Equally disturbing is the labeling of ethics commissions as "paper tigers."



Robert Meyers

It is relatively easy to jump to the conclusion that most ethics boards lack the sanctioning authority to satisfy the bloodthirsty public; but these criticisms generally miss the mark. Ethics commissions are not law enforcement or criminal justice agencies and do not have arrest powers. Consequently, the sanctions that ethics boards can impose are non-criminal in nature. However, some ethics codes, including Miami-Dade County's, provide the State Attorney with concurrent jurisdiction to file criminal misdemeanor charges against those who run afoul of the ethics laws. As a general rule, removal from office or position is not an option for one of two reasons: 1) elected officials are usually removed from office only when charged with a felony crime, and 2) ethics commissions do not act as personnel boards.

Adverse publicity for one who is accused of ethics infractions should not be minimized as an effective sanction. The proceedings of an ethics commission typically generate media interest, and a ruling of unethical behavior by an ethics board may have a bearing on the public official's reputation in the community and could be sufficiently stigmatizing to act as a deterrent. Similarly, the financial impact of a finding of guilt by an ethics tribunal, although unlikely to be financially devastating, is not inconsequential for one charged in a multiple count complaint. Assessing a civil penalty or ordering restitution can be costly to the guilty party as well.

Another mechanism to punish one who violates the ethics laws is forcing the wrongdoer to relinquish the profits gained from the unethical act. Where disgorgement of profits is not an option, a party may find it worth paying a small fine to reap a large gain. If, however, the offender is forced to surrender the profits from the unethical enterprise, the potential windfall vanishes as a reason to engage in financial improprieties.

Ethics enforcement is a crucial element of any government's anti-corruption strategy, but it must not be compared with the more traditional methods of prosecuting corrupt public servants. Since jail time and other penal sanctions will never be part of an ethics commission's arsenal, it is imperative that policymakers recognize the importance of granting these agencies with sufficient muscle to accomplish their missions.

Ethics on the campaign trail

The Miami-Dade Commission on Ethics and Public Trust is dedicated to educating politicians and voters on clean government. To that end, the agency sponsors Campaign Skills Seminars for candidates and their staffs and Ethics Forums for voters. Several of those events were held this fall.

Elections in some of the County's largest cities drew curious voters to hear candidates explain how they would clean up the activities and perception of local government. Rather than focus on issues common to other debates, questions posed during the Ethics Forums covered potential conflicts of interest, the role of lobbyists or other special interests in government, accountability in procurement, public campaign financing, ethical leadership and how to improve citizens' confidence in local leaders.



Miami-Dade Professor Michael Lenaghan kept candidates and voters engaged at the Ethics Forum at the Homestead Branch Library.



Ethics Commission Executive Director Robert Meyers sets the ground rules for office-seekers at the Miami Beach Botanical Garden.

All but one candidate running for mayor and four city council seats in Homestead participated in an Ethics Forum at the Branch Library on September 23. Miami-Dade College Professor Emeritus Michael Lenaghan moderated the event.

Several dozen Miami Beach voters gave up their evening October 7 to hear from candidates for mayor and three city commission posts. Retired Miami-Dade County Attorney Murray Greenberg presided over the event at the Miami Beach Botanical Garden.

More than 120 social science students got a real life lesson in politics when five candidates for office in Miami-Dade's largest city discussed how they would clean up Miami government. Annie Betancourt, a former Florida

State Representative and a high-ranking officer in both the Miami-Dade and Florida chapters of the League of Women Voters, served as moderator of the Ethics Forum at Miami-Dade College's Wolfson Campus October 21.

Those running for office or contemplating a political campaign had two chances to learn how to stay out of trouble – at seminars in Hialeah in August and in Homestead in September. In addition to presentations on Fair Campaign Practices by the Ethics Commission, valuable information was provided by representatives of the Miami-Dade Elections Department and the Miami-Dade State Attorney.



Former State Rep. Annie Betancourt led the discussion among Miami City Commission candidates at MDC's Wolfson Campus.

During the year ahead, voters will take part in dozens of municipal, county and school board elections as well as choose candidates for a number of state and federal races, including governor and U.S. Senator. The Ethics Commission is already planning to hold Campaign Skills Seminars and Ethics Forums in the coming months of 2010. Look for dates, times and locations at our website: MiamiDadeEthics.com.

WORDS TO THE WISE

Private Jet Travel

An elected city official who accepted travel on a private jet while he was in Washington for city business asked if he must disclose the travel as a gift. The person who offered the trip was a personal friend and not a city vendor.

The Ethics Commission confirmed that, in this case, private air travel was a reportable gift. Under the plain meaning of the County gift ordinance, the elected official had not paid adequate consideration for the ride. Additionally, since the elected official exercised complete control over the use of the gift, it could not be argued that it was a gift to the city.

To correspond with State gift disclosure laws, the Ethics Commission agreed to equate the cost of a flight on a private jet to the price of an unrestricted commercial coach fare.

The Ethics Commission also reiterated that government officials and employees who receive frequent flyer miles as a result of traveling on government business must report the miles as a gift if the value is greater than \$100. Similarly, an upgrade by a commercial airline to a higher class of travel is a reportable gift if the value is \$100 above the purchase price of the ticket.

This issue is fully discussed in RQO 09-04.

Mandatory Training for County Advisory Boards

All members of Miami-Dade County Advisory Boards must receive ethics training. Sessions take place one Wednesday per month, at 8:30 a.m. or at Noon. The full schedule and a reservation form can be found on the Ethics Commission website: MiamiDadeEthics.com.

FUTURE ETHICS COMMISSION EVENTS:

- Government Ethics and Procurement Conference
- Campaign Skills Seminars & Candidate Ethics Forums

THE COMMISSION

Kerry E. Rosenthal, Chair

Dawn Addy, Vice Chair

Judge Seymour Gelber

Magda Abdo-Gomez

Erica Wright

Robert Meyers,
Executive Director

CONTACT

Phone: 305-579-2594

Fax: 305-579-0273

email: ethics@miamidade.gov

Anonymous 24-Hour Hotline:
786-314-9560

Request a Speaker:
305-350-0630

Website:
www.MiamiDadeEthics.com

Editor:
Rhonda Victor Sibilias
rhonda@MiamiDade.gov

"Relativity applies
to physics,
not ethics."

Albert Einstein