MINUTES OF THE
SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
ETHICS ADVISORY COMMITTEE MEETING
THURSDAY, JANUARY 10, 2013

Committee Members

Present:
Mr. Francisco Silva, Esq., Chair
Justice Gerald Kogan
Ms. Roberta Kressel
Mr. Frederick F. Thornburg, Esq.

Absent
Dr. Priva Fischweicher

Others Present:
Ms. Ana Lara, Administrative Assistant to Ms. Perla Tabares Hantman, School Board Chair
Ms. Dalia Rosales, Administrative Assistant to Dr. Marta Perez, School Board Member
Ms. Jackeline Fals, Administrative Assistant to Dr. Lawrence S. Feldman, School Board Vice Chair
Mr. Walter Harvey, School Board Attorney
Mr. Luis M. Garcia, Deputy School Board Attorney
Ms. Enid Weisman, Assistant Superintendent
Ms. McNichols, Assistant School Board Attorney
Mr. Thomas Knigge, Office of Inspector General
Dr. Ana M. Rasco, Administrative Director
Ms. Madeleine Rodriguez, Executive Director
Ms. Ileana Martinez, School Board Clerk
Ms. Jamilia Karaeva, Administrative Secretary
Ms. Desiree Llopiz, Administrative Secretary
Ms. Susan M. Kairalla, Audit Committee Member

I. CALL TO ORDER

The regular meeting of the Ethics Advisory Committee (EAC) was held at WLRN located at 172 NE 15th Street, Conference Room, Miami, Florida on Thursday, January 10, 2013. Due to the absence of a Chair, the meeting was convened at 8:30 a.m., by Mr. Walter Harvey, School Board Attorney.

II. INTRODUCTIONS

Introductions were made by everyone present.

III. ELECTION OF CHAIR

In the absence of a Chair for the Committee, Mr. Harvey addressed the Committee and explained that on September 5, 2012, the School Board approved an Agenda Item H-2 (“Ethics Advisory Models”), presented by the Chair of the School Board, Ms. Perla Tabares Hantman, appointing the Board Attorney to serve on an interim basis as the liaison to the Ethics Advisory Committee. Mr. Harvey also presented a package of materials that included
the minutes of prior EAC meetings and a list of future EAC meeting dates approved by the Committee at its last meeting.

Mr. Harvey then suggested that the Committee select a Chair, pro tem, for the purpose of conducting the meeting. After a brief discussion, the Committee appointed Mr. Francisco Silva, Esq., as Chair for the remaining meetings scheduled for this school year.

IV. APPROVAL OF MINUTES FOR THE MARCH 29, 2012 AND MAY 31, 2012 MEETINGS

Approval of the March 29 and May 31, 2012, meeting minutes was deferred to the next EAC meeting.

V. INSPECTOR GENERAL UPDATE

Without objection, Mr. Silva moved to Item IV on the Committee’s Agenda, a presentation by the Office of the Inspector General (“OIG”). Mr. Thomas Knigge presented a final report on two cases that were investigated by the OIG. The first report involved an investigation resulting in substantiated allegations against two school administrators found to have solicited gifts (a golfing trip) from a school vendor. District staff reported that the two individuals were disciplined accordance with the District’s policies and procedures.

The second report involved an OIG investigation finding that a school teacher had fraudulently under-reported her income in order to qualify her children for the federal free lunch program. The teacher was terminated from District employment.

VI. FLORIDA COMMISSION ON ETHICS PRESENTATION

Mr. C. Christopher Anderson III, General Counsel and Deputy Executive Director of Florida’s Commission on Ethics, gave an extensive presentation on the Florida’s Ethics Laws and the Commission’s jurisdiction over school boards and districts. The presentation is attached.

Mr. Anderson noted that local entities may promulgate local rules that are more specific than the State’s Code of Ethics. Section 112.326 permits local entities to establish their own ethics provisions. He cautioned that care must be taken when developing additional ethics standards in order to avoid unintended consequences.

Mr. Anderson stated that the Commission is open for business all the time to take calls and letters. It’s important to contact the Commission before a
matter becomes something the Commission determines should be prosecuted.

VII. **NEW BUSINESS**

Committee members and Mr. Harvey discussed the pending appointments to the vacant positions on the Committee. Mr. Harvey advised that he had made efforts to reach out to the appointing entities, but no new appointments had been made. Committee members said that they would reach out to the St. Thomas University President to urge him to make an appointment.

Mr. Thornburg inquired of Mr. Anderson as to the District’s Vendor Code of Ethics. Mr. Anderson responded that the State’s Code of Ethics does not apply to vendors. Further discussion was held on how the District’s code is being applied and that any violations could lead to debarment and could be referred to the OIG.

VIII. **OLD BUSINESS**

Mr. Harvey provided an update regarding discussions on establishing a formal relationship between the School Board and the Miami-Dade County Commission on Ethics and Public Trust (Commission). Judge Kogan explained that he also appeared before the Commission to discuss its concerns. Mr. Harvey stated that he had attended two meetings with the Commission regarding these matters and accompanied Ms. Perla Tabares Hantman to the most recent meeting. The Commission had many concerns including the number of complaints it is already responsible for investigating and the large size of the District with its over forty thousand employees. The Commission was primarily concerned about the volume of work and about the additional workload that on its Executive Director, Mr. Joseph Centurino.

Mr. Thornburg then raised the issue of whether the EAC’s authority in these matters should be enhanced. Mr. Thornburg further stressed that such a large school system should have an EAC with enhanced powers.

Mr. Harvey noted that the Florida Legislature has already established the Florida Commission on Ethics to oversee ethics issues regarding school boards. Mr. Harvey also addressed the importance of adhering to a process that maintains ethics complaints confidential until the investigation is completed and how this would be difficult if conducted in a public forum like the EAC and could expose innocent employees to unwarranted public scrutiny. Mr. Harvey reiterated that the ultimate authority regarding ethics issues is the Florida Commission on Ethics at least until the legislature decides to change the State’s ethics law. Moreover, regardless of any action the District takes regarding an employee’s conduct, the Commission still may discipline the employee if it falls within its jurisdiction.
As a result of this discussion, the Committee requested that this matter be placed on the next meeting’s agenda for further discussion.

IX. ADJOURNMENT

The meeting was adjourned at 10:__ a.m.