Committee Members

Present:
Ms. Jane Moscowitz, Esq., Chair
Dr. Susan Angulo, Vice Chair
Ms. Jacqueline Becerra, Esq.
Ms. Roberta Kressel
Dr. Susan Mullane
Ms. Daneen Regna
Mr. Frederick F. Thornburg, Esq.

Others Present:
Dr. Marta Pérez, School Board Member
Ms. Ana Lara, Administrative Assistant to Ms. Perla Tabares Hantman
Ms. Jannette Reyes, Administrative Assistant to Ms. Ana Rivas Logan
Ms. Ginny Byrd, Superintendent’s Office
Mr. Allen M. Vann, Chief Auditor
Mr. Joseph Gomez, Assistant Superintendent
Mr. Luis M. Garcia, Chief Assistant Board Attorney
Mr. John Schuster, Interim Chief Communications Officer
Ms. Ursula Wright, Executive Director
Mr. Norberto Ferradaaz, Audit Supervisor II
Mr. Luis Baluja, EDP Audit Supervisor
Ms. Ileana Martinez, Clerk of the School Board
Ms. Elsie Montijo, Administrative Secretary
Ms. Alysia D. Marsh, Administrative Secretary
Ms. Susan Marie Kairalla, Florida School Choice
Mr. Lester Rosenberg, Liaison Miami Dade Community Relations
Ms. Kathleen McGrory, Reporter
Mr. Adolfo Perez, Parent
Mr. Kenneth Newman, Visitor
I. CALL TO ORDER

The Chair called the meeting to order at 8:40 a.m.

II. INTRODUCTION OF STAFF AND GUESTS

Ms. Moscowitz asked everyone present to introduce themselves and their affiliation(s), which they did.

III. APPROVAL OF MINUTES FOR THE SEPTEMBER 14, 2007 MEETING

Ms. Moscowitz asked for a motion to approve the minutes. A motion was made by Mr. Thornburg and seconded by Dr. Mullane which carried unanimously, to approve the minutes of the September 14, 2007 EAC meeting.

Dr. Pérez presented Mr. Thornburg with a certificate of appreciation for his outstanding performance as Chair and his lasting contributions to the Miami-Dade County Public Schools Ethics Advisory Committee. The Chair expressed her gratitude for the extra hours and time that Mr. Thornburg has given and how grateful the committee was for his hard work.

Mr. Vann and Mr. Baluja presented the committee with a brief presentation on the improved EAC website. The agenda and attachments would be accessible online before each scheduled meeting, with links to the actual materials. There was also a member page with associated information, such as appointing officials and a list of all the minutes, as well as archives of past meetings and the Code of Ethics. Mr. Thornburg suggested adding the annual report to the website and the EAC unanimously agreed. The Chair thanked Mr. Baluja for his excellent presentation and impressive work on their improved site.

IV. INTRODUCTION OF NEW EAC MEMBER MS. JACQUELINE BECERRA, ESQ.

The Chair introduced the new EAC member Ms. Jacqueline Becerra and gave a short presentation on her background. Ms. Becerra is a commercial litigator and shareholder at Greenberg Traurig.

Ms. Moscowitz welcomed her to the EAC and expressed the committee’s pleasure to have her as a new member.
V. REVIEW OF PROCEDURES TO REGULATE LOBBYING ACTIVITIES

Ms. Ileana Martinez, Clerk of the School Board gave a presentation on the procedures and requirements for lobbyists. She explained the requisites that a person would have to complete. As part of the Board rule a registration form must be submitted along with a $125 annual registration fee. A letter from the principal must also accompany the application, stating that the principal gives the person authorization to lobby on their behalf. Once all the documents have been received the Lobbyist Registration is recorded on the M-DCPS website. There are sections of the Board rule that state penalties, prohibited activities, and investigations on violations. The EAC can make recommendations to the School Board, however; any recommendations will be in addition to any actions recommended by the Inspector General.

The Chair commented that she believed the rule needed to be changed because the EAC has no adjudicatory powers. She asked if anyone had been reprimanded under the rule.

Ms. Martinez responded that to her knowledge no one had so far. Dr. Pérez questioned the size of the list of lobbyists for M-DCPS. She had done a comparison with the City of Miami and the county’s list and she believed that the School Board’s should be more. In Dr. Pérez’s estimation due to the amount of contracts that M-DCPS has and its $2.6 billion budget it does not add up. In her opinion there is a great discrepancy between the School Board, city and county.

The Chair commented that it was important to see if more people could be registered.

Dr. Pérez was concerned that lobbying was taking place elsewhere and not on their level.

The Chair questioned if there was something the EAC could do to ensure that people were registered before they are heard. She believed that more people needed to be registered and a mechanism put into place to enforce it.

Dr. Pérez believed that their definition of lobbying may be different from the city and county.

Mr. Thornburg suggested research be conducted to ascertain that individuals are registered if they fit the classification.
The Chair wanted to ensure that people register and that something happens if they do not.

Mr. Garcia explained that the current Board rule does have a provision to file a complaint with the Inspector General if someone is not registered, and the EAC has the authority to make recommendations to the Board based on the committee’s findings. Mr. Garcia expressed his belief that there were enough mechanisms in the rule to deal with the issues and there had not been evidence that anyone has been in violation.

The Chair remarked that the issue was finding a way to encourage employees to make certain that a person is registered before doing business with them.

Mr. Thornburg recommended designating a committee member to review the rule and make suggestions for changes. Mr. Thornburg also questioned if there was a debarment penalty.

Mr. Garcia explained that there is a suspension penalty but a debarment penalty would fall under a different rule, and under the law the standard is higher.

The EAC moved to have Ms. Becerra and Mr. Garcia review the existing rule and report back with their recommendations for changes.

VI. REVIEW OF DRAFT OF THE CERTIFICATION OF COMPLIANCE WITH THE ETHICS GUIDELINES FOR PERSONS SERVING ON SCHOOL BOARD ADVISORY COMMITTEES

Ms. Moscowitz requested an update on the Certification of Compliance.

Mr. Garcia informed the EAC that he had completed the requested changes and added them to the current document.

Mr. Thornburg moved to submit the finalized draft of the code for submission to the Superintendent for Board approval. Dr. Mullane seconded and it passed unanimously.
VII. **FINALIZE EAC ANNUAL REPORT**

Mr. Thornburg requested a revision be made to the document that the first annual report was presented in 2005 and the second in 2006. Therefore; this would actually be the third annual report.

The EAC approved the annual report with the required changes.

VIII. **UPDATE ON INTERLOCAL AGREEMENT WITH COUNTY INSPECTOR GENERAL**

Mr. Garcia provided the EAC with a brief summary. He explained that at the September 5, 2007 School Board meeting the Board approved the Interlocal Agreement with Miami-Dade County to provide Inspector General services to M-DCPS. The agreement will be forwarded to the county and then to the Commission for approval.

IX. **CONCERNS WITH SCIENTIFIC LEARNING**

Dr. Pérez expressed her concerns in regards to companies receiving no bid contracts when they have family members working for the School Board; specifically Scientific Learning in relation to the Superintendent’s son. Dr. Pérez believed that in the spirit of transparency now and in the future any Superintendent who has family members working for an entity who is receiving a no bid or bid contract should disclose that information.

The Chair commented that the School Board Attorney JulieAnn Rico provided an opinion that there were no violations committed. If a person working for the company is not a principal of the company the rules do not apply.

Dr. Pérez asked the EAC to make recommendations that in the future disclosures be made if employees have family members who receive contracts. She also requested that Board Members or Superintendents should not use district resources like telephone numbers or electronic mail to provide for private business including dealings with family members. Dr. Pérez believed that it gives the false perception that somehow it is endorsed by the school district; and we should not use our taxpayers funded positions for personal benefit or benefit of family members.
Mr. Vann pointed out that recommendation number one in Dr. Pérez’s letter dated October 24 was actually a Board item brought by Dr. Pérez on the October 17, 2007 School Board meeting, and the Board members voted against the motion.

Ms. Regna referred to a memorandum dated September 14, 2007, from the School Board Attorney stating only the Florida Commission On Ethics can issue a binding determination and perhaps the EAC should defer to them.

Mr. Vann quoted from a September 24, 2007 memorandum from Dr. Crew: “my son works in a non managerial capacity and is neither an officer … or proprietor of the company nor does he have any material interest in the company.” In Mr. Vann’s opinion it was very clear in terms of the ethics rule that Dr. Crew had not violated any codes.

Dr. Mullane commented that as a member of the EAC she is an advocate of disclosure; however, she felt that there were not enough facts to make a recommendation at the present time.

Mr. Thornburg made the motion that the attorney’s office research the current codes of ethics and ascertain whether there are sufficient disclosure provisions in light of the issues that have been brought forth. The Chair requested a vote and it passed unanimously.

X. OTHER BUSINESS
a) NEXT MEETING DATE
b) OTHER

Friday, December 14, 2007 at 8:30 a.m., SBAB Conference Room 916.

XI. ADJOURNMENT
There being no further questions the meeting was adjourned at 9:43 a.m.