MINUTES OF THE
SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
ETHICS ADVISORY COMMITTEE MEETING
FRIDAY, JANUARY 14, 2005
8:30 A.M. - CONFERENCE ROOM 916
SCHOOL BOARD ADMINISTRATION BUILDING

Committee Members Present:
Mr. Frederick F. Thornburg, Esq., Chair
Judge Seymour Gelber, Esq.
Dr. Susan Angulo
Ms. Daneen Regna

Absent
Dr. Susan Mullane, Vice Chair
Ms. Jane Moscowitz, Esq.

Others Present:
Dr. Marta Pérez, School Board Member
Mr. Herbert Cousins, Jr., Inspector General
Mr. Johnny Brown, School Board Attorney
Ms. Lubby Navarro, Administrative Assistant
to Ms. Perla Tabares Hantman
Ms. Marisa Toledo Quesada, Administrative Assistant
to Dr. Marta Pérez
Mr. Allen Vann, Chief Auditor
Mr. Jose F. Montes de Oca, Assistant Chief Auditor
Mr. Jon Goodman, Director
Ms. Lisa C. Castro, Coordinator I
Information Technology Services
Ms. Cristina Perez-Ibañez, Administrative Aide
Ms. Elsie Montijo, Administrative Secretary
Mr. Javier Lengomin, Network Data
Communications Specialist-Information Technology Services
Mr. Lester Rosenberg,
Miami-Dade Community Relations Board
Ms. Susan Kairalla, Parent
Mr. Adolfo Pérez, Parent
I. CALL TO ORDER

The meeting was called to order at 8:39 a.m.

II. INTRODUCTIONS

Mr. Thornburg welcomed everyone to the meeting, asked everyone to introduce themselves and to state the reason for their presence, which they did.

Mr. Thornburg presented a plaque to Mr. Roger Carlton, a former EAC member, for his contributions to the EAC. He thanked Mr. Carlton for making many valuable contributions for helping launch the EAC and for lending superb analytical skills and “wordsmithing” talents to the group. Mr. Carlton mentioned that he misses being on the EAC, but because of business which his company conducts with M-DCPS, it creates a conflict of interest. He said that although the EAC cannot be involved in all the endeavors of M-DCPS it makes a dent. He urged the EAC to keep up the good work and thanked everyone. Judge Gelber complimented Mr. Carlton on the superb job he has performed in the many capacities he has worked throughout his career. Judge Gelber noted that Mr. Carlton is a great public server.

Judge Gelber brought to Mr. Thornburg’s attention that he was appointed to the Miami-Dade County Ethics Commission and asked whether there is a conflict of interest. Mr. Thornburg said in his opinion it is fine and that he did not envision a conflict with the EAC. It is similar to Mr. Thornburg’s serving on the Miami-Dade County Ethics Coalition.

III. APPROVAL OF MINUTES FOR THE DECEMBER 10, 2004 MEETING

Mr. Thornburg complimented the minutes. There being no discussion, Judge Gelber made a motion to approve the Minutes of the December 10, 2004 meeting, which was seconded by Dr. Angulo, and it carried unanimously.

Mr. Thornburg mentioned that on the EAC meeting dates handout, he suggested changing November 10 meeting to November 9 because it conflicts with a school board member’s calendar. Everyone agreed to change it. Ms. Regna made a motion to approve the EAC meeting dates, which was seconded by Dr. Angulo and it carried unanimously.

IV. ETHICS WEBSITE

Ms. Castro noted that ITS is in the process of changing the look of the Miami Dade County Public Schools website, so she explained that the Ethics website will be on the front page under the committee section. She said the Ethics website is ready to go on live.

Mr. Thornburg mentioned that there might be a language change on the Certificate of Compliance as per Dr. Pérez’s concern. There was some discussion on the Code of Ethics Policy as it relates to employees accepting the policy and how the results will be uploaded into their personnel file; if and how supervisors will receive a report. Mr. Thornburg asked if an employee has a disclosure of who will receive the report. Ms. Castro answered that it is up to the EAC. Mr. Thornburg noted that it should be directed to the IG’s office.
Mr. Thornburg gave a brief history of the reason for the change of language on item number 3 of the certificate of compliance. He asked Dr. Pérez to explain her concern. Dr. Pérez noted that as re-written the code puts an ongoing responsibility upon the employee, after they have signed the certificate, to come back and disclose any violations that become known to the employee. She also noted that there are no penalties.

Mr. Thornburg stated that the EAC’s mission is to enhance and rebuild public confidence, while taking the highest road. As such, the EAC will recommend the change and the School Board will decide if they approve it. He also spoke about other institutions that require set policies, but punishment is up to the administration. Judge Gelber mentioned that the rule should include action for a violation. While discussing the process, Mr. Thornburg stated that he would rather have violations investigated than having the administration looking the other way. This, he concluded, is part of the process job to restore public confidence.

Dr. Pérez expressed concern that when rules become ludicrous they are disregarded. She provided as an example violation of the Sunshine Law and inquired at what point are violations of the sunshine law reported to the IG.

Dr. Pérez then suggested that the union and administration should set the penalties, which should be commensurate with the allegation. Dr. Pérez gave suggestions as to how the language should read.

Ms. Kairalla pointed out that reports go to an immediate supervisor, what is the immediate supervisor to the one doing the violation?

Dr. Pérez asked the EAC if they will attend the School Board meeting of February 16, 2005, to show support for the proposed change to the Code of Ethics.

Judge Gelber pointed out that he was in disagreement with the language that was agreed to at the last EAC meeting and asked Dr. Pérez what was her position on the Code of Ethics amendment. Dr. Pérez said she is supporting it with some apprehension.

Mr. Thornburg reminded everyone that the EAC is supposed to always take the high road on all its recommendations.

Mr. Thornburg thanked the ITS staff for a great job on the website.

V. **REVISIT CABLE-TAP**

Mr. Thornburg briefly discussed the issue on revisiting the use of cable-tap by the EAC. He would like to refer this item to the next scheduled meeting.

VI. **BUDGET FOR EAC EXECUTIVE DIRECTOR**

Mr. Vann distributed and gave a brief summary on a Budget for an Ethics Office and staff that he prepared. Mr. Vann also introduced Mr. Goodman, a new member of the Office of Management and Compliance Audits staff, who helped prepare the summary. Mr. Thornburg complimented Mr. Vann on a great job; he welcomed Mr. Goodman, and lamented having to defer this item to the next scheduled meeting, because of time constraints.
VII. **FUTURE AGENDA TOPICS**

This item was deferred to the next scheduled meeting because of time constraints.

VIII. **STATUS REPORT – OUTSIDER CODE OF ETHICS AND CERTIFICATE OF COMPLIANCE**

Mr. Thornburg pointed that the EAC has a target to have a draft by March 2005. He asked Mr. Vann to help coordinate the subcommittee meeting for proper publication.

IX. **NEW BUSINESS**

a. **Issue of administrative appointments**

Dr. Pérez distributed a memorandum from her asking the EAC to address her concerns about direct appointments by the Superintendent. She explained that this issue was not personal, but had to do with the process. Mr. Thornburg suggested deferring this item to the next scheduled meeting because of time constraints. Judge Gelber added that the EAC was created to address ethical issues and must look very carefully at requests such as this before any recommendation is given. Dr. Angulo mentioned that, in the practices of hiring in public education, there are different categories of employees. In some cases the CEO has the right to appoint an employee and when the CEO leaves the employee usually leaves, too.

b. **Finalization of revised language on Code of Ethics and Certificate**

This item was discussed out of sequence from the agenda. It was discussed along with the Ethics Website item.

Mr. Thornburg raised the issue of the use of computers by employees for personal purposes, and noted that has been raised by other agencies. Mr. Brown and Ms. Sandoval pointed out that there is a School Board Rule addressing this issue. He also mentioned an article from the Watchdog on the endeavors of the EAC on the nepotism rule.

X. **SET NEXT MEETING**

The next meeting is scheduled for Friday, February 11, 2005 at the School Board Administration Building – Conference Room 916, at 8:30 a.m.

XI. **ADJOURNMENT**

There being no further discussion, the meeting was adjourned at 10:00 a.m.