



**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Public Health Trust Nominating Council**

Board of County Commissioners
Stephen P. Clark Government Center
2nd Floor Commission Conference Room
111 NW 1st Street
Miami, Florida 33128

August 17, 2009
As Advertised

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Board of County Commissioners

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PUBLIC HEALTH TRUST NOMINATING COUNCIL
CLERK'S SUMMARY AND OFFICIAL MEETING MINUTES
AUGUST 17, 2009

The Public Health Trust Nominating Council (PHTNC) convened in the 2nd Floor Commission Conference Room of the Stephen P. Clark Government Center, 111 N.W. 1st Street, on August 17, 2009, at 9:00 a.m. There being present Chairman Dennis Moss and Council Members: Commissioner Katy Sorenson; Commissioner Sally Heyman; Representative Julio Robaina; and Mr. Saif Ishoof.

Staff members present were: Assistant County Attorneys Eugene Shy and Laura Llorente; Ms. Christina Lares Assistant to the County Manager; Ms. Maggie A. Perez, Jackson Health System; Personnel Services Specialist Mari Ledesma, Miami-Dade County Human Resources; Mr. Daniel Ricker, Miami Herald and Deputy Clerk Jill Thornton.

I. Welcome

Chairman Moss called the meeting to order at 9:16 a.m. and welcomed those in attendance.

II. Approval of Minutes

It was moved by Commissioner Heyman that the PHTNC July 17, 2009 minutes be approved. This motion was seconded by Chairman Moss and upon being put to vote, passed unanimously by those members present.

III. Review of Background Checks

Personnel Services Specialist Mari Ledesma reviewed the criminal background information of the applicants and explained that investigations were conducted through the State of Florida and the FBI on all 14 applicants. She noted the only applicant that reported having an issue was Ms. Vicki Lopez Lukis.

Ms. Ledesma provided the results of the criminal background investigation on Ms. Lopez Lukis. She noted Ms. Lopez Lukis served as a commissioner in Lee County in November 1990, where she was convicted of mail fraud and sentenced to 27 months in federal prison; however, her sentence was commuted by President Bill Clinton in November 2000. Ms. Lopez Lukis completed two years of parole and her rights were restored by Governor Jeb Bush in 2004, Ms. Ledesma noted.

Commissioner Sorenson spoke in support of Ms. Lukis as a nominee, noting she has known Ms. Lukis personally since her rights were restored and she had worked with women in prison, contributed to community service, and restored her place in society. She noted she felt that Ms. Lopez Lukis deserved redemption and was capable of participating on the PHT in a thoughtful and legal way.

Representative Julio Robaina noted although he agreed with Commissioner Sorenson that Ms. Lopez Lukis was a strong leader who had made great contributions to the community, he was concerned about the media's perception should Ms. Lopez Lukis be appointed to the Public Health Trust (PHT).

Commissioner Heyman also noted that she was familiar with Ms. Lopez Lukis who was an advocate for criminal justice issues. She noted that Ms. Lopez Lukis should be evaluated based on the value of her potential contributions to the PHT and only judged by her answers during the interview since her rights were restored.

In response to Chairman Moss' question, Ms. Ledesma noted background investigations had not been completed on Mr. John Copeland, Ms. Khaghan Daniel, and Mr. Gilbert Lancelot Raiford.

Chairman Moss noted that background investigations must be completed before any recommendations were presented to the County Commission.

Chairman Moss recommended that the Committee proceed with the interviews. He noted if any problems were identified as a result of the criminal background investigations, the Council would reconvene to review this information before any of those names were submitted.

Note: Later during the today's (8/17) meeting, Assistant County Attorney Eugene Shy informed Council members that Ms. Lopez Lukis disclosed her past criminal background information in her application.

Mr. Saif Ishoof concurred, noting Ms. Lopez Lukis' background information was fully disclosed in the application. He noted he understood the position of the Council, but Ms. Lopez Lukis could have believed the disclosure in her application was sufficient and the Council could have asked a direct question if they wanted to address this issue further.

Chairman Moss noted the PHT was in financial trouble and public officials were increasingly subjected to close scrutiny by the public and the media. He reiterated his concern, noting the timing of such a controversial issue was not in the best interest of the PHT, particularly considering the current economic crisis and the fact that the PHT was struggling to survive.

Commissioner Sorenson noted she would have pursued efforts to recommend Ms. Lopez Lukis as a nominee to the PHT more aggressively, if the pool of qualified candidates had not been so large.

Representative Robaina noted, for the record, that former Governor Bush appointed Ms. Lopez Lukis to State Committees, and those appointments did not generate any media attention. However, Miami-Dade County may be viewed differently.

In response to Representative Robaina's inquiry about the media's perspective, Mr. Daniel Ricker, reporter, The Miami Herald, noted his focus would be on a 27 month sentence in federal prison and he agreed that this was a distraction that was not needed at this time.

The foregoing discussion on whether or not Ms. Lopez Lukis should be recommended as a nominee to the PHT resulted in no further action.

IV. Review of Interview Questionnaire

Chairman Moss noted the interview questionnaires would be reviewed using the same process as last year. He noted the questionnaire was comprised of 14 questions including those requested by Commissioner Heyman and Representative Robaina. Chairman Moss noted he would begin

the interview process and Council members would present their questions in a roundtable format.

V. Interviews with Finalists

Commissioner Moss welcomed each applicant and asked that each Council member introduce themselves. He expressed appreciation for their interest in serving on the PHT and explained the process.

Following the interview with Mr. Donald James Butler, Assistant County Attorney (ACA) Eugene Shy responded to Representative Robaina's concern that Mr. Bulter's business interests with Jackson Memorial Foundation (JMF) may constitute a conflict of interest (COI). He noted a current member of the PHT who was doing business with the JMF, would fall under the jurisdiction of the Commission on Ethics and Public Trust (COE). ACA Shy also noted the individual(s) would be subject to the Ethics Laws if he/she made a profit from that business relationship or voted on a matter. Additionally, ACA Shy explained that contractual relationships existed between the PHT and JMF.

Following further discussion regarding the PHT and the JMF, Representative Robaina said he requested the public records regarding a member of the JMF who was investigated by the Office of Inspector General (OIG) for allegedly receiving payment, which established a precedent for COI.

Mr. Ishoof concurred with Representative Robaina and noted this was the correct approach and it was necessary to develop a standard, and preferably a judicial standard.

In response to Chairman Moss' question regarding whether this investigation involved any of the applicants being interviewed today (8/17), Representative Robaina noted he was not certain, which was the reason he raised that specific question.

Following further discussion, ACA Shy informed the Council that the By-Laws for the JMF provided for two related parties to be on the Foundation Board: the Chairman and the CEO of the PHT. Usually, under the Miami-Dade Code of Ethics Conflict of Interest and under the Florida Statutes, any PHT member with a COI would announce that conflict and recuse himself and leave the room. This Council is empowered to consider any and all types of conflicts in making their recommendations.

The Nominating Council proceeded to interview the following candidates:

Dr. Jack Grossman
Mr. Randy Charles Homyk
Ms. Maria Luisa Ruiz
Mr. Gerard (Jerry) Michael Fernandez
Ms. Gladys L. Ayala
Ms. Vicki Lopez Lukis
Ms. Natasha Kay Nalls
Ms. Judy Rosenbaum
Mr. Anthony Perea

Commissioner Sorenson suggested that Council members decide which candidates would be

eliminated.

It was moved by Commissioner Sorenson that Mr. Anthony Perea be eliminated from the list of nominated PHT members. This motion was seconded by Commissioner Heyman and upon being put to a vote, passed unanimously by those members present.

It was moved by Commissioner Heyman that Mr. Gerard Michael Fernandez be eliminated from the list of nominated PHT members. The motion was seconded by Commissioner Heyman and upon being put to a vote, passed 3–2. (Chairman Moss and Representative Robaina voted in opposition.)

It was moved by Representative Robaina that Mr. Randy Homyk be eliminated from the list of nominated PHT members. This motion was seconded by Commissioner Heyman and upon being put to a vote, passed unanimously by those members present.

It was moved by Chairman Moss that Ms. Natasha Nalls be eliminated from the list of nominated PHT members. This motion was seconded by Commissioner Heyman and upon being put to a vote, passed unanimously by those members present.

It was moved by Commissioner Heyman that Dr. Jack Grossman be nominated for further consideration. This motion was seconded by Representative Robaina and was opened for discussion.

Commissioner Heyman noted that the perspective of a medical practitioner would be valuable to the PHT.

Representative Robaina noted that Dr. Grossman's input relating to burn patients was important.

Mr. Ishoof agreed with the notion of having a physician's perspective would be helpful; however, a holistic perspective would be more beneficial to the PHT than specialization.

Discussion ensued among the Council members regarding the roles, experience, and expectations of PHT members.

Hearing no further comments or questions regarding Commissioner Heyman's motion to forward Dr. Grossman's name to the County Commission as a nominee to the PHT, Council members proceeded to vote on this motion, and upon being put to a vote, passed unanimously by those members present.

It was moved by Commissioner Sorenson that Ms. Judy Rosenbaum be nominated for further consideration. This motion was seconded by Representative Robaina and was opened for discussion.

Commissioner Sorenson noted that Ms. Rosenbaum's perspective of the Medicaid System and her background would be a valuable asset to the PHT. She noted that Ms. Rosenbaum not only possessed the competencies needed to be effective on the PHT, but was very passionate and determined about health care issues.

Following further discussion regarding Ms. Rosenbaum's potential contributions to the PHT, Council members proceeded to vote on this motion to forward Ms. Rosenbaum's name to the County Commission as a nominee to the PHT, as moved by Commissioner Sorenson and seconded by Representative Robaina. This motion upon being put to a vote, passed unanimously by those members present.

It was moved by Commissioner Heyman that Ms. Maria Luisa Ruiz's name be forwarded to the County Commission as a nominee to the PHT. This motion was seconded by Representative Robaina, and being put to a vote, passed unanimously by those members present.

PHT Chairman Ishoof noted he felt that Ms. Lopez Lukis was an interesting candidate because she was a former elected official who was accused of a crime and vindicated.

Chairman Moss expressed concern that Ms. Lopez Lukis was not forthright with information about her previous history, knowing that the Council had access to any criminal background. He said the Council needed to focus on the best interest of the PHT, and a distraction of this nature could be problematic. Chairman Moss noted the pool of applicants included many qualified candidates to choose from.

Commissioner Heyman asked whether any other PHT members had been accused of a crime.

Commissioner Heyman noted she was disappointed that Ms. Lopez Lukis was not forthright in revealing this information to Council members during the interview. Commissioner Sorenson and Representative Robaina concurred with Commissioner Heyman.

Representative Robaina noted that Ms. Lopez Lukis was qualified, and he felt she was a marvelous woman who unfortunately made some mistakes. He inquired whether the Council could forward Ms. Lopez Lukis' name as a nominee and allow this issue to be vetted by the Board of County Commissioners (BCC).

Chairman Moss noted that forwarding Ms. Lopez Lukis' name to the BCC could possibly lead to an inappropriate discussion. He said although Ms. Lopez Lukis was a wonderful, accomplished individual, he did not believe the PHT needed to be distracted at this time.

Following discussion, it was moved by Representative Robaina that Mr. Donald Butler's name be forwarded to the County Commission as a nominee to the PHT. This recommendation was seconded by Chairman Moss, and was opened for discussion.

Representative Robaina noted Mr. Butler's firm was conducting audit work at Jackson Memorial Foundation (JMF) and this would not be a conflict, as previously opined by Assistant County Attorney Eugene Shy.

Mr. Saif Ishoof clarified that Mr. Butler said his firm did audit work for a Foundation; but he was not sure which Foundation; and the work was not done from his office. He also noted the need to reflect the diversity of the community within the PHT membership as well as qualifications. Mr. Ishoof asked that Council members consider this in their recommendations.

After hearing no further questions or comments, Council members proceeded to vote and upon

being put to a vote, passed unanimously by those members present.

It was moved by Commissioner Sorenson that Ms. Gladys Ayala be recommended as a nominee to the PHT. This recommendation was seconded by Commissioner Heyman and was opened for discussion.

Discussion ensued regarding Ms. Gladys Ayala's qualifications; Council members proceeded to vote on the foregoing recommendation, and upon being put to a vote, passed unanimously by those members present. .

In response to ACA Shy's question regarding the number of candidates that would be forwarded to the BCC, Chairman Moss noted four (4) nominees in addition to the incumbents would be forwarded to the Board of County Commissioners.

Commissioner Heyman noted, for the record, that she had to leave; however, she supported the recommendation approved thus far which included the following four individuals:

Mr. Donald James Butler
Dr. Jack Grossman
Ms. Judy Rosenbaum
Ms. Maria Ruiz

Chairman Moss noted the nominees must be approved by a majority vote of those members present.

The Council proceeded with the interview process as follows:

Mr. Russell Hull Hiner, Jr.
Mr. Gilbert Lancelot Raiford
Ms. Mojdeh Danial Khaghan

Upon concluding this process, it was moved by Commissioner Sorenson that Mr. Russell Hiner, Jr., be eliminated from the list of nominees. This motion was seconded by Representative Robaina, and upon being put to a vote, passed unanimously by those members present.

It was moved by Chairman Moss that Dr. Gilbert Raiford be eliminated from the list of nominees. This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed unanimously by those members present.

Upon concluding the foregoing, Representative Robaina expressed concern regarding Ms. Lopez Lukis again. He questioned the potential legal ramifications of the Council's actions.

ACA Shy noted Council members had entered sufficient information on the record to justify a vote to not consider Ms. Lopez Lukis. He also noted he did not feel that the Council's action not to recommend Ms. Lopez Lukis as a nominee would result in any legal ramifications.

Representative Robaina expressed concern that the Council's decision could result in negative media coverage for the Council and the County, and could result in litigation.

Assistant County Attorney Shy advised that the Council's decision would likely withstand legal challenge.

Representative Robaina noted he was concerned that Ms. Lopez Lukis could argue that she was not treated fairly in this process; and that Council members acknowledged that she was qualified.

ACA Shy noted that the majority of the Council members agreed that it would not be in the PHT's or the Council's best interest to recommend Ms. Lopez Lukis as a nominee, particularly at this time; and that such a recommendation might do more harm than good, which was a decision to be made at the Council's discretion.

Representative Robaina clarified, for the record that his primary concern was that the Council's failure to recommend Ms. Lopez Lukis as a nominee to the PHT would be a disservice to the community and could backfire in the form of negative media coverage and potential liability.

Chairman Moss noted the applicant had the opportunity to address the issue; however chose not to. He noted given the opportunity, Ms. Lopez Lukis failed to disclose this information when she was directly asked during the interview process. Chairman Moss noted he was disappointed that Ms. Lopez Lukis did not openly disclose the information; however, he as well as all Council members must act in the best interest of the County.

No further action was taken regarding this matter.

VI. Selection of Finalists

Commissioner Sorenson suggested that each member present their top four names in order to determine whether there was any consensus.

In response to Commissioner Sorenson's inquiry regarding the process, Assistant County Attorney Eugene Shy noted the incumbents, in addition to the following four individuals would be submitted to the County Commission who would appoint two of the four candidates to fill vacancies on the PHT:

- Ms. Gladys L. Ayala
- Mr. Donald James Butler
- Dr. Jack Grossman
- Ms. Judy Rosenbaum
- Ms. Maria Ruiz

Chairman Moss advised the Council members that the PHT currently had 13 members. He said there were 15 community members, but 13 seats were currently filled. He noted the members consisted of seven Hispanics; two African Americans; three Anglos; and one Asian American and the makeup included 11 males and two females and four lawyers and one clinician. He urged Council members to remember that the composition of the PHT must be representative of the community. He asked that four of five nominees recommended thus far be selected.

Chairman Moss noted, for the record, that Commissioner Heyman was recommending four candidates in the following priority: Mr. Donald James Butler, Dr. Jack Grossman, Ms. Judy

Rosenbaum, and Ms. Maria Ruiz.

Following the process of a tallying system, each Council member identified their top four (4) candidates. ACA Shy noted the vote tally was as follows:

Ms. Ayala	4
Dr. Grossman	3
Ms. Rosenbaum	3
Ms. Ruiz	3
Mr. Butler	2

It was moved by Commissioner Sorenson that the slate of nominees would include Ms. Gladys L. Ayala, Dr. Jack Grossman, Ms. Judy Rosenbaum, and Ms. Maria Ruiz in addition to the four (4) incumbents. This motion was seconded by Chairman Moss and upon being put to a vote, passed unanimously by those members present.

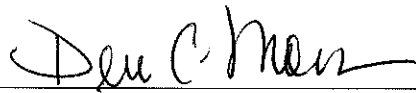
Commissioner Sorenson asked whether criminal background investigations were conducted on the incumbents.

Chairman Moss noted, as he mentioned earlier, he would schedule another Council meeting to discuss any potential issues that arise following this process.

In response to Chairman Moss's question regarding whether there was a specific way to determine who would be selected to fulfill the term of Mr. Gutierrez, ACA Shy noted that decision would be made by the County Commission.

Adjournment

There being no further business the PHTNC meeting was adjourned at 4:11 p.m.



Commissioner Dennis C. Moss, Chairman
Public Health Trust Nominating Council