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Ethics Commission sues Hialeah Mayor

Officials of the Miami-Dade Commission on Ethics & Public Trust (COE) announced today that legal action has been initiated against Hialeah Mayor Carlos Hernandez for his failure to pay \$4,000 in fines and costs imposed by the COE for violating the Truth in Government provision of the Citizens' Bill of Rights. In July, the COE determined that Hernandez had made false statements to the public about income he earned from a private loan, fined him \$3,000 for the two counts of violating County ethics rules, and assessed another \$1,000 for investigative costs associated with the complaint (**C 14-36**). The amount of the fines was doubled as a result of a finding by the commission that Mayor Hernandez knowingly violated the rules. On November 6th, the Mayor sent 28 buckets of coins (along with several television crews) in an apparent attempt to pay the fine in disregard of the COE requirement that it be paid by check. His ploy was deemed commercially unreasonable and contemptuous by COE staff, and therefore, rejected. A small claims complaint was filed in County Court by the COE last week and a hearing is scheduled for December 9th to address the Mayor's non-compliance.

During its monthly meeting today, Ethics commissioners heard a complaint (**C 15-26**) against Kristen Rosen-Gonzalez, who just won the run-off vote for Miami Beach City Commission Group 4. A private citizen accused the then-candidate for office of distributing anonymous literature using scare tactics and untrue statements to advise residents they "must vote for" certain candidates and "must vote no" on charter questions. Because these allegations, if true, would not constitute violations of the Mandatory provisions of the Fair Campaign Practices Ordinance, and because Rosen-Gonzalez had not agreed to subject herself to the more stringent Voluntary provisions of the Ordinance, the complaint was found Not Legally Sufficient and was dismissed.

An accusation that North Miami Beach Councilwoman Phyllis Smith lied about her family vehicles and driving habits, and, therefore, violated the Truth in Government Provision of the Citizens' Bill of Rights was found Not Legally Sufficient. According to the complaint (**C 15-25**), Smith's husband used a legal loophole to register two cars under his business in Montana to avoid paying Florida taxes, and when confronted by local media about it, the councilwoman stated she knew nothing about it and did not drive the Hummers often – a claim questioned by the complainant. However, the COE determined that since Smith's husband is not a public official; the vehicle registrations are not related to the Councilwoman's position; and discussion of her driving habits do not violate an ordinance under the jurisdiction of the Ethics Commission; the complaint was dismissed.

A complaint (**C 15-24**) filed against three Miami Beach Public Works administrators for failing to provide public records in a timely manner under the Miami-Dade County Citizens' Bill of Rights was found Not Legally Sufficient. A citizen requested a copy of the Lincoln Road Master Plan on September 18th and again four days later, but claimed the municipal staff refused to provide it. The investigation determined that there were several webcam meetings between the Miami Beach officials and the consultants in New York to discuss the plan, and the plan was not transmitted to the

city until September 28th when the complainant was also notified of the availability to obtain the record. Due to the fact that the Citizens' Bill of Rights covers only inspection but not production of public records, the Ethics Commission dismissed the complaint as Not Legally Sufficient.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

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