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Letter of Reprimand issued to Hialeah's mayor

Following the determination that Hialeah Mayor Carlos Hernandez twice made false statements to the public about income he earned from a private loan and violated the Citizens' Bill of Rights "Truth in Government" provision, the Miami-Dade Commission on Ethics and Public Trust (COE) today approved a Letter of Reprimand to him. The complaint (**C 14-36**) showed that statements Hernandez made at news conferences in English and Spanish in 2011 contradicted sworn testimony he gave during a federal trial last year. At the conclusion of a public hearing on July 8, 2015, the Ethics Commission fined Mayor Hernandez \$3,000 for two counts of violating the County Citizens' Bill of Rights and assessed another \$1,000 for investigative costs. The Letter states that his conduct "showed a lack of respect for and was contemptuous of the very public he serves. The Mayor's failure to tell the truth violated the public trust." The Reprimand reminds Hernandez that he is a public servant and that "It is his ethical legal obligation to be honest and accurate regarding his finances, which are a public matter."

Also today, the COE approved a Letter of Instruction to Ed Russo, an environmental consultant and associate of Donald Trump. During their June meeting, Commissioners found Probable Cause to a complaint (**C 15-05**) that Russo engaged in lobbying activities without first registering to do so when he met with County officials about Trump's unsolicited proposal to manage the Crandon Park Golf Course. Because Russo had never previously lobbied in Miami-Dade, and registered as soon as he was informed of the regulation, the COE dismissed the complaint. The Letter that was approved today emphasized to Mr. Russo his obligations when dealing with local government. It also recommended that Miami-Dade County administrators add the lobbyist registration requirements to follow-up communications on unsolicited proposals to avoid any future misunderstanding.

The Donald Trump-produced Miss Universe pageant was the subject of a complaint (**C 15-16**) filed against Doral Mayor Luigi Boria. A citizen activist accused the mayor of violating the "Truth in Government" provision of the Doral City Charter by stating several times last summer that no public funds would be used to underwrite the January 25, 2015, event, when, in fact, at a meeting in September 2014, the mayor and council discussed raising and/or allocating \$2.5 million to host the pageant. The city did end up spending \$1.6 million with sponsors contributing the rest of the expenses. Mayor Boria told Ethics Commission investigators that he truly believed the city could secure the entire cost from private sponsors. Since all discussions of financial allocations occurred publicly and Mayor Boria expressed hope, rather than certainty that the city would be reimbursed for expenses and later acknowledged that funds spent had been "budgeted," Ethics Commissioners found No Probable Cause to the complaint and dismissed it. However, they cautioned Mayor Boria to be more careful in making such potentially-misleading statements.

In response to a Request for Opinion (**RQO 15-05**), the COE determined that travel, meals and lodging costs incurred personally by a lobbyist are NOT reportable expenses, but that such travel, meals or lodging provided by a lobbyist for a

public official would have to be reported. Lobbyists are required to report annually any expenses connected with the effort to influence a government official or employee.

Ethics Commissioners learned today that their newest colleague will be former Pinecrest councilman H. Jeffrey Cutler, Esq. The appointee of the Miami-Dade League of Cities is a Partner in the Coral Gables-based law firm of De La Cruz & Cutler, LLP, specializing in Civil, Corporate, Commercial, and Personal Injury Law and Litigation. Mr. Cutler was elected as a Councilmember of the Village of Pinecrest in November 2006, re-elected in November 2010, and served as Vice-Mayor from 2008 to 2009 and 2012 to 2013. The native Miamian and University of Florida alumnus is also an active member in many national and local legal and business associations, including the American and Florida Bar Associations and Greater Miami Chamber of Commerce. He volunteers as the Legal Counsel to the Howard-Palmetto Baseball & Softball Association, and also acts as Legal Counsel and is a member of the Board of Directors of the Miami-Dade Miracle League on a volunteer basis. Following his swearing in, Mr. Cutler will begin his four-year term as an Ethics Commissioner at the next regular meeting on October 14, 2015.

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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