

March 22, 2011

Jesus Garcia  
18923 N.W. 45<sup>th</sup> Avenue  
Miami, FL 33055

**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, CHAIRPERSON  
Dawn E. Addy, VICE CHAIRPERSON  
Charlton Copeland  
Judge Seymour Gelber  
Nelson Bellido

**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

**MICHAEL P. MURAWSKI**  
ADVOCATE

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

**RE: REQUEST FOR ADVISORY OPINION-RQO 11-06**

Dear Mr. Garcia:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 21, 2011 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding the actions of the Inspector General's Office.

In your letter, you advised the Ethics Commission that you previously filed an ethics complaint against two agents in the Inspector General's Office. The complaint alleged that the investigators falsified testimony during a hearing on your suspension and termination from the Property Appraiser's office. You are currently appealing a hearing examiner's report upholding your termination. Due to that fact, the Ethics Commission has stayed action on the complaint.

Your request asked the Ethics Commission to consider various issues related to your complaint. Specifically, you requested an opinion regarding whether the Office of Inspector General violated county ordinance and due process by failing to provide you with a written complaint or an investigative demand by particular persons. You also asked whether the Ethics Commission was the proper investigating authority since the matter concerned potential conflict violations. Finally, you sought an opinion regarding whether the County violated F.S. 194.034(c) which states that "no evidence shall be

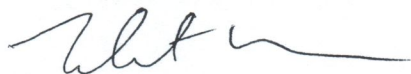
considered by the board or special magistrate except when present during the time schedule for the petitioner's hearing or at a time when the petitioner has been given reasonable notice" when they requested the magistrate set aside his order without notice to the parties involved.

The Ethics Commission found the right to notice of charges and notice of any hearings are matters under the Citizens' Bill of Rights and may properly be considered under a request for opinion. However, the Ethics Commission generally does not issue opinions on past conduct. The jurisdictional issue will be considered when the stay is lifted and the Ethics Commission conducts complaint proceedings. Finally, the state law question is outside of the Ethics Commission's jurisdiction. Therefore, the Ethics Commission declined to issue an opinion on these matters at this time.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Ardyth Walker, Staff General Counsel at (305) 350-0616 or the undersigned at (305) 579-2594.

Sincerely Yours,

A handwritten signature in dark ink, appearing to read 'R. Meyers', with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director