

# MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



## REPORT OF INVESTIGATION

K #: K11-127

Date Opened: 10/19/11

Date Closed: 11/15/11

Name of Investigator: Manuel W. Diaz

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### **Allegation:**

A news article appeared in the Miami Herald questioning if Homestead Mayor Steven Bateman (Bateman) overstated his endorsements in seeking re-election as Mayor in that he may have claimed he had endorsements from groups that he did not, in fact, have. The COE opened an inquiry to see if there was a violation of the Voluntary Fair Campaign Practices ordinance. Prosecution of an ethics complaint for violating the Voluntary Fair Campaign practices ordinance can only be instituted if the candidate has agreed to be bound by it.

### **Applicable Legislation:**

The Voluntary Statement of Fair Campaign Practices. *COE, revised 5/2010.*

11. I will not use or permit the use of campaign material that falsifies, distorts, or misrepresents facts.

### **Investigation:**

A public records request was made to the Homestead City Clerk for the qualification package filed by Bateman in seeking re-election. A review of the

documents revealed that Bateman had submitted and signed an old version of the Voluntary Statement of Campaign Practices form, under which an ethics violation can not be substantiated.

**Summary of Facts**

1. Bateman ran for re-election a Mayor of Homestead.
2. A news article appeared that Batman may have overstated his endorsements for his re-election.
3. Bateman signed and submitted The Voluntary Statement of Campaign Practices form to the City Clerk as part of his qualification package.
4. The form which Bateman signed was out of date and disallowed.

**CONCLUSION:**

The case is closed. The use of the older version of the Voluntary Statement of Campaign Practices form precludes any prosecution in this matter as it does not adequately advise the candidate of his/her waiver of First Amendment rights. The Clerk of Homestead has been reminded that the old version of the campaign practices form shall not be used and must be replaced by the new form which includes a detailed statement regarding the waiver of the candidates First Amendment rights.