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Miami-Dade County Commission on Ethics and Public Trust

Memo

To: File

From: Karl Ross, ethics investigator

Date: June 6, 2011

Re: K11-054 Edwin H. Quinones

Close-out memo: After consultation with Office of the Independent Ethics Advocate, it was decided the above case should be closed as a result of a technicality in that the Voluntary Statement of Fair Campaign Practices agreement that was signed by then-candidate Quinones on or about April 4, 2011, did not explicitly advise him that he would be waiving his Constitutional rights with respect to free speech. The City of North Miami Clerk's Office used a dated form for this purpose, one that is not enforceable because it does not specifically advise candidates of any such waiver.

While the investigation was in progress, the assistant city clerk was advised that Mr. Quinones had not signed the updated version of the fair campaign practices agreement and COE supplied her with a copy of the most recent version. The assistant clerk advised that the appropriate form would be used in the future.

The initial findings of the investigation, as contained in the investigative notes, seem to indicate that candidate Quinones did not endeavor to run a positive campaign and did seek to dredge up allegations from a criminal case that had been closed in late 2008. That case involved allegations against Quinones' opponent, Scott Galvin.

The case was not re-opened until April 5, 2011 – roughly two weeks after a Quinones campaign worker raised allegations at a City Council meeting on Quinones' behalf. The campaign worker said that Quinones described this tactic as a "campaign strategy." However, the matter as to any resulting violation of the ethics code can not be pursued.

Accordingly, this case should be closed.