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Miami-Dade County Commission on Ethics and Public Trust

Memo

To: Mike Murawski, independent ethics advocate
From: Karl Ross, ethics investigator
Date: Nov. 14, 2012
Re: K12-101 Myron Rosner (Simulated Process Case)

Background:

On July 23, 2012, a case was opened at the request of the Miami-Dade County State Attorney's Office to investigate whether former North Miami Beach Mayor Myron Rosner violated F.S. 843.055, titled *Criminal actions under color of law or through use of simulated legal process*. It had been alleged that Rosner repeatedly violated this law through the issuance of phony code enforcement violation notices to residents whose properties he felt were in violation of the city's building code. The notices were issued after Rosner left office.

Findings:

Preliminary investigation found that, indeed, Rosner did issue as many as 80 home-made notices of "alleged violation" to North Miami Beach residents, including those of political adversaries. The city's code enforcement director, Eric Wardle, advised that all of the violations were investigated as citizen complaints and that a majority of them were found to be valid. He did state that some of the recipients of Rosner's notices believed they were official documents.

COE requested copies of actual notices of violations from the city's Code Compliance Division and found that they did not closely resemble those issued by Rosner. A careful review of the notices issued by Rosner further indicate that the notices use "alleged" before the word "violation" and that, in fine print, they state that the alleged violations were "reported to" the city's code compliance office.

Close-out recommended:

Based on a comparison of these documents, prosecutors at the State Attorney's Office decided that there were no grounds for filing criminal charges and expressed this opinion to the North Miami Beach city attorney. On Nov. 15, Assistant State Attorney Johnette Hardiman advised COE that the investigation should be closed at this time and that SAO intends to issue a close-out memo to this effect.

Accordingly, the COE investigation should be closed at this time.

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