



**Miami-Dade Commission on Ethics & Public Trust**

**Investigative Report**

Investigator: Robert Steinback

Case No.: K13-102/ C13-016	Case Name: Wolfson public records	Date Open: July 25, 2013	Date Closed: Aug. 13, 2013
Complainant(s): Sherry Kaplan Roberts	Subject(s): Miami Beach Commissioner Jonah Wolfson		

**Allegation(s):**

Complainant Sherry Kaplan Roberts (Roberts) alleged that the subject, Miami Beach Commissioner Jonah Wolfson (Wolfson) or his office staff, on two occasions failed to properly respond to a public records request by denying that the requested records existed. Roberts requested the e-mail distribution list Wolfson uses to contact constituents. Roberts believes there must be such a list because Wolfson has in the past distributed an e-letter called "The Wolfson Report" to certain constituents.

**Relevant Ordinances:**

Complainant alleges violations of paragraphs (A) 2 and (A) 3 of the Citizens Bill of Rights:

(A) 2 – **Truth in Government.** No County or municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.

(A) 3 – **Public Records.** All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public.

**Investigation:**

***Interviews***

**Leonor Hernandez** (Hernandez) via telephone, Wednesday, Aug. 7, 2013

Hernandez is Wolfson's legislative aide. Hernandez said that she was aware of the complaint from Roberts, but insisted that Wolfson "doesn't maintain an e-mail list in the office." Told that the e-mail list might still be a public record, even if it is not maintained in the office, if it is used for city business, Hernandez referred this investigator to Wolfson, who was vacationing in Maine. She said she would get a message to him and ask him to call.

**Commissioner Jonah Wolfson** (Wolfson) via telephone, Thursday, Aug. 08, 2013

Wolfson said it had been almost two years since he had sent out a "Wolfson Report." He claimed that all Roberts had to do was send a public records request to the City's IT department, and they could dig out to whom the last newsletter had been delivered. I asked if his office could facilitate that, he said yes and that he would e-mail his assistant and others to do so. I was copied on the e-mail shortly thereafter. I replied that I wanted to be notified when the request was filled. Wolfson confirmed that the e-mail list was used from his public e-mail account, not his private e-mail account.

**Conclusion(s):**

On Aug. 13, 2013, this investigator was copied on an e-letter sent by Lillian Beauchamp, Office Associate IV for the Miami Beach City Clerks' Office, to Sherry Kaplan Roberts, containing the blind-copy mailing list used by Wolfson for his last "Wolfson Report" mailing. By fulfilling Roberts' request, the complainant has responded to the complaint and fulfilled his obligation under the Citizen's Bill of Rights. Case is closed and turned over to the Advocate for probable cause recommendation.