



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Sylvia Batista and Robert Steinback

Case No.: PI 13-006	Case Name: Shoppes of Cutler Bay	Date Open:	Date Closed:
Complainant(s): Terry Hudgins	Subject(s): Town of Cutler Bay Mayor and Council	06/14/13	06/19/13

Allegation(s):

On 6/6/13 Terry Hudgins, a resident of the Town of Cutler Bay, contacted the COE to complain about the application to develop the Shoppes of Cutler Bay. Hudgins said that the application was denied in January, but was re-filed and approved at the 5/15/13 Town Council meeting. Hudgins alleged that this is in violation of a town code which requires that applicants must wait one year to re-apply.

Relevant Law:

**Section 3-30(P) Town of Cutler Bay Code:
Re-Application.**

Investigation:

Interviews

06/19/13 – Mitchell Bierman, Esq., Town of Cutler Bay Attorney –

Mr. Bierman advised that there is a provision in the Town code which prohibits the same application from being re-filed within twelve (12) months after being denied by Council. However, when this item was denied, the applicant requested that the provision regarding the time limitation be waived allowing the application to be filed sooner. The request for waiver of the provision was approved by Council and was part of the overall action that council took on that day.

Document/Audio/Video Review:

Conclusion(s):

Council's action in connection with this application waives the time limitation on re-filing the application as set forth in the Town code. For this reason, this matter is closed with no further action.