



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

**Investigative Report**

**Investigators:** Manuel W. Diaz

<b>Case No:</b> K14-107/C14-047	<b>Case Name:</b> Holmes v. Eisenberg	<b>Date Open:</b>	<b>CASE CLOSED</b>
<b>Complainant(s):</b> Jackson Rip Holmes	<b>Subject(s):</b> Les Eisenberg	10/27/14	

Date: 10/30/14

**Allegation(s):**

Jackson Rip Holmes (Holmes) filed a COE Complaint alleging that Les Eisenberg (Eisenberg), a member of the Miami-Dade County Taxi Advisory Group (TAG), failed to file a Statement of Financial Interest, Form 1, with the Department of Regulatory and Economic Resources (RER) for 2012 and 2013.

Supporting his allegation, Holmes submitted an email from the RER indicating that RER had no Statement of Financial Interest, Form 1 for Feliciano.

**Relevant Ordinances:**

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance  
Sec.2-11.1

(b) Definitions

(4) The term “advisory board” shall refer to the members of County advisory boards and agencies who sole or primary responsibility is recommended legislation to give advice to the Board of county Commissioners.

(i) Financial disclosure.

(1) All persons and firms included within Subsections

(a) and (b)(2), (3) and (4) of this section shall file, no later than 12:00 noon of July 1st of each year, including the July 1st following the last year that person is in office or held such

employment, one (1) of the following:

(a) A copy of that person's or firm's current federal income tax return; or

(b) A current certified financial statement on a form of the type approved for use by state or national banks in Florida listing all assets and liabilities having a value in excess of one thousand dollars (\$1,000.00) and a short description of each; or

(c) An itemized source of income statement, under oath and on a form approved by the County for said purpose.

Compliance with the financial disclosure provisions of Chapter 112 (Part III) Florida Statutes, as amended, or with the provisions of Article II, Section 8 of the Florida Constitution, as amended by the voters on November 2, 1976, and any general laws promulgated thereunder shall constitute compliance with this section.

(2) County and municipal personnel. The following County personnel shall comply with the filing requirements of Subsection (i)(1) above: the Mayor and members of the Board of County Commissioners; County Attorney and Assistant County Attorneys; County Manager; Assistant County Manager(s); Special Assistant(s) to the County Manager; heads or directors of County departments and their assistant or deputy department heads; employees of the Miami-Dade Police with the rank of captain, major and chief; Building and Zoning inspectors. References herein to specified County personnel and boards shall be applicable to municipal personnel and boards that serve in comparable capacities to the County personnel and boards referred to.

**Investigation:**

***Documents Reviewed:***

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance

Department of Regulatory and Economic Resources, Business and Economic Resources Division – Explanation of the Functions of the Taxi Advisory Group (Copy in file)

Miami-Dade COE Financial Disclosure Chart.

Miami-Dade web site – Follow-up Instructions to County Administration, Board of County Commissioners. (Copy in file)

The Miami-Dade Electronics Management System (EDMS).

The system was queried. Eisenberg has never filed a Statement of Financial Interests Form 1.

Explanation of the functions of the Taxi Advisory Group (from Miami-Dade County web site)

The document prepared in 2003 and revised in 2013, lists among the functions of the TAG is to “work with the County’s Consumer Services Division (currently the Department of Regulatory and Economics Resources (RER)) to develop and evaluate new imitative taxicab series, service expansion and improvements.

The document also reflects that all meetings of the TAG will be subject to the Sunshine Law and are open to the public.

Miami-Dade County –Follow-up Instructions to County Administration, Board of County Commissioners (copy in file)

Item 11A19, 121225 July 3, 2012, Taxi Advisory Group/Limousine Advisory Group, the County Commission directed Administration to submit to the County Commission and any relevant committee thereto on a quarterly basis the votes taken and the minutes of the Taxicab Advisory Group and the limousine advisory group where the votes taken or minutes of the advisory group relate to pending legislation.

**Conclusions:**

Turned over to the Advocate for probable cause recommendation.