



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Robert Steinback

Case PI16-036	Case Name: Neuhut	Date Open: July 25, 2016	<u>Date Closed:</u>
Complainant(s): Frances Neuhut	Subject(s): Town of Bay Harbor Islands	CASE CLOSED	

Allegation(s):

Date: 9/16/2016

Complainant Fran Neuhut (Neuhut) alleges that the Development Review Committee (DRC) of the Town of Bay Harbor Islands failed to make public all of the documents related to a particular project prior to that project being heard by that committee; and other alleged failures by the Town to publicly disclose certain documents and Town actions.

Relevant Ordinances:

It is not immediately clear what provision of law the complainant is alleging was violated. Presumably, the alleged violations would include the Citizens Bill of Rights, (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.*

(4) Minutes and Ordinance Register. *The Clerk of the Commission and of each municipal council shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions listed by*

descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than 30 days after the conclusion of the meeting.

Investigation:

Interviews

Frances Neuhut is a well-known activist in the Town of Bay Harbor Islands, who attends virtually every Council meeting and seemingly reads every document issued by the Town. She routinely copies COE on letters and messages she circulates regarding issues she has with the Town. Typically, the messages are either about some policy issue addressed by the Council (most often regarding development), which would be beyond COE jurisdiction, or about alleged procedural errors of the Town Clerk's office, which are generally responded to personally by the Clerk.

At least three attempts were made by the investigator to arrange a meeting with Neuhut to discuss her allegations and determine if a prima facie case for a COE investigation could be established. In one of the messages, the investigator recommended that Neuhut review the County's Conflict of Interest and Code of Ethics Ordinance and its Citizens' Bill of Rights for guidance on what matters might come under the jurisdiction of this agency.

Neuhut responded to e-mail messages from the investigator but in every case postponed or declined to arrange for a meeting. In one exchange, in response to the investigator's observation that the COE does not have jurisdiction over the collective actions of a Town Council, Neuhut expressed exasperation, saying, "I do not understand what the point is at this time of us meeting, after what you had just stated."

The investigator, at this point, responded that if Neuhut did not accept a final invitation to meet and discuss her allegations, he would presume that she no longer wished to pursue the matter.

In her latest correspondence, on Sept. 12, 2016, Neuhut wrote, "I just need some time to collect my thoughts before having a meeting."

Document/Audio/Video Review:

Copies of e-mail correspondence between Neuhut and the investigator are in the file.

Conclusion(s):

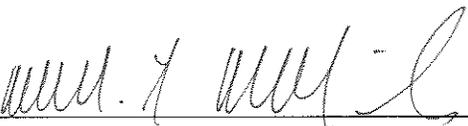
After consultation with the Ethics Advocate it was determined that this matter would be closed with no further action unless and until Ms. Nuehut contacts the COE and expands upon her allegations in a matter sufficient to determine whether an investigation should be initiated.

(Signature)



Robert Steinback, COE Investigator

Approved by:



Michael Murawski, Advocate

Joseph Centorino 9/16/16
Joseph Centorino, Executive Director