



MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Rafael Acosta
_____ /

Complaint No. 05-05

PUBLIC REPORT AND ORDER ACCEPTING SETTLEMENT AGREEMENT

The Advocate, ["Complainant"] filed the above-captioned complaint against Rafael Acosta, ["Respondent"] alleging a violation of the "*Truth in Government*" provision of the Citizens' Bill of Rights and violations of the Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 (g) "*Exploitation of Official Position*" and 2-11.1 (i)(1) and (2), "*Financial Disclosure*."

Respondent is an Engineer II for the Planning and Zoning Department. Count I of the complaint alleged that the Respondent requested a homestead exemption by filing a Property Tax Exemption Application in which he listed his mother's social security number on the portion of the application that calls for the residing owner's social security number. In doing so, Respondent acquired a second homestead exemption in contravention of the homestead exemption law, and thereby, violated Section (A)(2), "*Truth in Government*," of the Home Rule Charter which provides:

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.

Count II of the complaint alleged that Respondent violated Section 2-11.1 (g),

"Exploitation of Official Position," which provides,

No person included in the terms defined in Subsection (b)(1) through (6) shall use or attempt to use his official position to secure special privileges or exemptions for himself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted by hereafter to be ordained or adopted by the Board of County Commissioners.

Complainant states that as an employee with the Planning & Zoning Department, Respondent should have known that the law prohibits applying for multiple homestead exemptions.

Count III of the complaint alleged that the Respondent violated the financial disclosure requirements under the Code of Ethics Ordinance. Respondent is required to file annually a financial disclosure statement. In 2003, Respondent filed a Form I and a Statement of Financial Interests pertaining to the 2000 tax year. On those forms he failed to disclose his ownership of real property as required.

Respondent stipulated to legal sufficiency and to probable cause. On February 22, 2005, the Ethics Commission accepted the settlement agreement between the Advocate and the Respondent, whereby the Respondent agreed not to contest the allegation in Count I and admitted the allegation in Count III. The Advocate dismissed Count II as part of the negotiated settlement.

Respondent agrees to pay to the Miami-Dade County Commission on Ethics and Public Trust a fine of seven hundred and fifty dollars (\$750.00) and investigative costs in the amount of five hundred dollars (\$500.00). Additionally, Respondent agrees to pay nine hundred and eight dollars and sixteen cents (\$908.16) to the Miami-Dade County

Property Appraiser, for the outstanding balance due on folio number 3059230220780 (the property located at 12946 SW 142 Terrace).

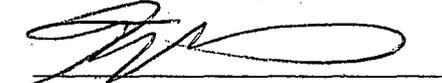
Therefore it is:

ORDERED AND ADJUDGED THAT the Respondent, pursuant to the settlement agreement, shall pay \$1,250.00 to the Ethics Commission. In addition, Respondent shall pay \$908.16 to the Miami-Dade County Property Appraiser. Count II of the complaint is dismissed. The Respondent shall accept said public report and order as written reprimand in satisfaction of this complaint.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics and Public Trust in public session on February 22, 2005.

MIAMI-DADE COUNTY COMMISSION
ON ETHICS AND PUBLIC TRUST

By:



Kerry Rosenthal
Chairperson