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**MIAMI-DADE COUNTY
COMMISSION ON
ETHICS & PUBLIC TRUST**

In re: Jean Monestime
_____ /

Case No: 05-12

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

David Levin filed the above-captioned complaint against Jean Monestime ("Respondent"), a former candidate for Mayor of North Miami, for violation of Statement 5 (will not publish anonymous literature) and Statement 11 (will not use campaign literature that falsifies, distorts and misrepresents facts) of the voluntary section of the Fair Campaign Practices ordinance. The Respondent signed the declaration form agreeing to abide by the voluntary section of the Fair Campaign Practices ordinance.

Monestime served as a North Miami councilman until he resigned to run for Mayor on March 31, 2005. During the campaign, Monestime published campaign ads with the caption "Councilman Jean Monestime". Monestime also distributed hand bills that failed to state they were a paid political

advertisement. However, the bills were reprints of ads that included the required disclaimer language.

On June 23, 2005, the Ethics Commission found the complaint legally insufficient because the allegations did not state a violation of the Fair Campaign Practices ordinance.

Therefore, it is:

ORDERED AND ADJUDGED THAT the Complaint is
DISMISSED.

DONE AND ORDERED by the Miami-Dade Commission on Ethics and Public Trust in public session on June 23, 2005.

**MIAMI-DADE COUNTY COMMISSION
ON ETHICS AND PUBLIC TRUST**

By:



Kerry Rosenthal
Chairperson

cc: David Levin
Jean Monestime



**MIAMI-DADE COUNTY
COMMISSION ON
ETHICS & PUBLIC TRUST**

Letter of Advisement
Issued June 23, 2005

This letter is issued in light of complaint 05-12 filed with the Ethics Commission. In that complaint, a Council member in the City of North Miami resigned from his office to run for Mayor in that city's election. In his campaign literature and materials, the recently resigned Councilman and Mayoral candidate identified himself as "Councilman." The complaint alleged that the candidate violated the Voluntary Statement of Fair Campaign Practices, in that he used the word "Councilman" even though he had resigned from that position to run for Mayor. By identifying himself as Councilman, the Complainant argues that the candidate misrepresented, distorted and falsified facts since he was no longer officially serving as a City Councilman.

The Division of Elections does not have a formal or informal opinion which addresses this matter. State law is silent on this matter; however, it does prohibit a candidate, who is not an incumbent of the office for which the candidate is running, from using the word 're-elect' in campaign literature.

After careful consideration, the Ethics Commission issues this letter of advisement to provide guidelines regarding the use of official titles in campaign literature as it relates specifically to public officials contemplating resignation from their office to run as a candidate for another public office.

An elected official, such as a City council member, who resigns from that office in order to qualify and to run for another public office in the same city, does not violate the Voluntary Statement of Fair Campaign Practices by using his or her former title in campaign literature, for example, 'Council Member John Doe for Mayor of...' However, the period between the resignation and the new campaign must be brief, essentially, in the same year of that city's election cycle.

It would be a possible violation of the Voluntary Statement of Fair Campaign Practices and further undermine the spirit of the ethical campaign practices laws, if a former elected official were to use his or her previous official title to run for public office in another jurisdiction or to run for public office one (1) or more years after his or her resignation or term had ended.