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

In re: John Cosgrove and Ed MacDougall

C 06-02

PUBLIC REPORT AND FINAL ORDER

A citizen filed the above-mentioned Complaint against John Cosgrove and Ed MacDougall ["Respondents"]. Respondent Cosgrove was a candidate for mayor in the Village of Cutler Bay in the January 2006 election, and Respondent MacDougall was a Cosgrove supporter in that election. The Complainant (who was also a candidate for mayor) alleged violations of the Miami-Dade County Voluntary Fair Campaign Practices Ordinance, §§ 2-11.1 (D)(6) and (9).

According to the allegations outlined in the Complaint, Mr. MacDougall threatened to destroy the reputation of the Complainant unless the Complainant dropped out of the race. If true, this behavior is a violation of the Voluntary Fair Campaign Practices and is prohibited by the Conflict of Interest & Code of Ethics Ordinance, § 2-11.1 (D), which provide that under item # 6—

[Candidates] shall not tolerate [their] supporters engaging in these activities which [the Candidates] condemn nor shall [the Candidates] accept their continued support if they in engage in such activities....

Additionally, Section 2-11.1 (D)(9) states that candidates for office shall—

neither use nor permit the use of malicious untruths or innuendoes about an opponent's personal life, nor ... make or condone unfounded accusations discrediting that person's credibility.

Pursuant to the Code of Miami-Dade County, Section 2-1068, the Commission on Ethics & Public Trust has jurisdiction to enforce the Voluntary Fair Campaign Practices, §§ 2-11.1 (D)(6) and (9).

On January 26, 2006, the Ethics Commission found the following:

1. The Ethics Commission has no jurisdiction over Mr. MacDougall because Mr. MacDougall was not a candidate for office when these allegations may have taken place.
2. The Complaint against the candidate John Cosgrove was not legally sufficient because campaign literature submitted to the Commission by the Complainant contained no evidence of the use of malicious untruths or innuendoes about the Complainant's personal life that would violate Section 2-11.1 (D)(6) and (9).

Therefore it is:

ORDERED AND ADJUDGED THAT the Complaint is hereby dismissed for lack of jurisdiction over Mr. MacDougall and dismissed for lack of legal sufficiency regarding the allegations against Mr. Cosgrove.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on January 26, 2006.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST
By:



Kerry E. Rosenthal, Esq.
Chairman