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

In re: Howard Weinberg
/

C 06-09

PUBLIC REPORT AND FINAL ORDER

COMPLAINANT Mitchell Kinzer filed the above-mentioned COMPLAINT against RESPONDENT Howard Weinberg, a Surfside City Commissioner, alleging violations of the Voluntary Statement of Fair Campaign Practices at Section 2-11.1.1 (D) of the Miami-Dade County Ordinance. Mr. Weinberg signed the Voluntary Statement of Fair Campaign Practices on January 31, 2006.

Specifically, Count #1 of the COMPLAINT alleged that, during the 2006 Surfside election, Mr. Weinberg, then a candidate for City Commissioner, was hypocritical in campaign literature. Count # 2 of the COMPLAINT alleged that Mr. Weinberg issued campaign literature that distorted facts. Section 2-11.1.1 (D)(11) of the Voluntary Statement of Fair Campaign Practices compels signatories not to use "campaign material that falsifies, distorts, or misrepresents facts."

Pursuant to the Code of Miami-Dade County, Section 2-1068, the Commission on Ethics & Public Trust has jurisdiction to enforce the Voluntary Statement of Fair Campaign Practices at Section 2-11.1.1.

On May 25, 2006, the Ethics Commission determined that Count #1 of the COMPLAINT was not legally sufficient because the Campaign Practices Ordinance does

not address behavior that is "hypocritical." The Ethics Commission determined that Count # 2 was legally sufficient because the behavior alleged was an enumerated offense under the Code. However, Count # 2 of the COMPLAINT was subsequently dismissed for lack of probable cause because the Ethics Commission found that information expressed in the campaign literature did not necessarily falsify, distort, or misrepresent facts.

Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT is hereby dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on May 25, 2006.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:



Kerry E. Rosenthal, Esq.
Chairman