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

In re: **DEBORAH IRBY**
_____ /

C 06-17

PUBLIC REPORT AND FINAL ORDER

COMPLAINANT Hasan Shabazz filed the above-referenced COMPLAINT against RESPONDENTS Deborah Irby, *City Clerk for the City of Opa-Locka*; Dorothy Johnson, *City Commissioner in the City of Opa-Locka and Chair of the Arabian Nights Festival*; and Jannie Beverly, *City Manager for the City of Opa-Locka*. COMPLAINANT alleged violations of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance at Section 2-11.1 (g), "Exploitation of official position prohibited." Specifically, Mr. Shabazz contended that RESPONDENTS exploited their official positions by colluding not to pay him on a contract he had entered into with the City for work he performed for the City-sponsored Arabian Nights Festival, held December 2003.

Pursuant to the Code of Miami-Dade County, Section 2-1068, the Commission on Ethics & Public Trust has jurisdiction to enforce the Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 (g). On May 25, 2006, the Ethics Commission determined the COMPLAINT to be legally sufficient. On July 13, 2006, the Ethics Commission granted the ADVOCATE's Motion to Extend the Time Limit for determining probable cause, and the extension was applied *nunc pro tunc*. At the same time, the Ethics Commission accepted the ADVOCATE's recommendation and dismissed the COMPLAINT against RESPONDENTS Dorothy Johnson and Jannie Beverly

because no credible evidence had been found that Ms. Johnson and Ms. Beverly had oversight or authority to redirect Festival finances.

On September 18, 2006, RESPONDENT Deborah Irby moved the Ethics Commission to dismiss the charges against her for lack of probable cause. The Commission denied the motion and granted a time extension to determine probable cause by September 27, 2006. On September 27, 2006, the Ethics Commission found that although certain facts presented in this matter were troubling and actions taken by RESPONDENT Irby problematical, there was no probable cause to believe that Deborah Irby abused her official position.

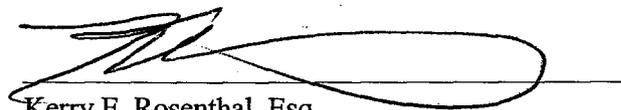
Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against Deborah Irby is hereby dismissed for lack of probable cause.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on September 27, 2006.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:



Kerry E. Rosenthal, Esq.
Chairman

Copy: James H. Greason, Attorney for RESONDENT Irby
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