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CLERK OF THE BOARD
2008 MAY -6 AM 11:57
CLERK OF THE COUNTY COURTS
DADE COUNTY, FLA.

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

In re: Howard J. Berlin and A. Anthony Noboa
(Two Members of the Resort Tax Committee of Bal Harbour)

C 08-08

PUBLIC REPORT AND FINAL DISMISSAL ORDER

COMPLAINANT Neil Alter, a resident of the Village of Bal Harbour, filed the above-captioned COMPLAINT against members of the Resort Tax Committee of Bal Harbour, an advisory board in the Village of Bal Harbour. The COMPLAINT alleged that certain Committee members had ongoing voting conflicts because they were directly affected each time they decided to disperse government tax dollars to benefit certain private businesses, either owned by them or employing them.

Pursuant to the Code of Miami-Dade County at §§ 2-1068 and 2-11.1(a)(4), the Commission on Ethics has jurisdiction to enforce the Ethics Code for municipal "advisory personnel." The Ethic Code at § 2-11.1 (v) establishes a two-prong test to determine if advisory board members have voting conflicts: (1) the board member must be directly affected by the action of the board on which the member serves, and (2) the board member must have one of the following relationships with any of the persons or entities appearing before the board: officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or stockholder, bondholder, debtor or creditor.

On March 26, 2008, the Commission on Ethics found the above-referenced COMPLAINT to be legally sufficient, and a preliminary investigation into the matter was undertaken.

On April 24, 2008, the Assistant Advocated reported to the Commission on Ethics that *no* evidence existed to show that Mayor Howard J. Berlin and A. Anthony Noboa were directly affected by any action taken by the Resort Tax Committee; furthermore, neither RESPONDENT had any of the enumerated relationships prohibited under the ordinance. Consequently, the Ethics Commission dismissed the COMPLAINT against the following individuals:

- **Howard J. Berlin**, Mayor of the Village of Bal Harbour
and
- **A. Anthony Noboa**, Retired Past Chair of Beach Bank.

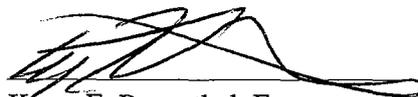
Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against Howard J. Berlin and A. Anthony Noboa is hereby **DISMISSED**.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on April 24, 2008.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:



Kerry E. Rosenthal, Esq.
Chairman



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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Randy Whitman and Lisa Perri-Molina
(Two Members of the Resort Tax Committee of Bal Harbour)

CLERK OF THE BOARD
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CLERK, CIRCUIT & COUNTY COURTS
MIAMI-DADE COUNTY, FLA.
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PUBLIC REPORT AND FINAL DISMISSAL ORDER

COMPLAINANT Neil Alter, a resident of the Village of Bal Harbour, filed the above-captioned COMPLAINT against members of the Resort Tax Committee of Bal Harbour, an advisory board in the Village of Bal Harbour. The COMPLAINT alleged that certain Committee members had ongoing voting conflicts because they were directly affected each time they decided to disperse government tax dollars to benefit certain private businesses, either owned by them or employing them.

Pursuant to the Code of Miami-Dade County at §§ 2-1068 and 2-11.1(a)(4), the Commission on Ethics has jurisdiction to enforce the Ethics Code for municipal "advisory personnel." The Ethic Code at § 2-11.1 (v) establishes a two-prong test to determine if advisory board members have voting conflicts: (1) the board member must be directly affected by the action of the board on which the member serves, and (2) the board member must have one of the following relationships with any of the persons or entities appearing before the board: officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or stockholder, bondholder, debtor or creditor.

On March 26, 2008, the Commission on Ethics found the above-referenced COMPLAINT to be legally sufficient, and an investigation into the matter was undertaken.

On May 29, 2008, the Assistant Advocated reported to the Commission on Ethics that both of the above-named RESPONDENTS had relationships as enumerated under the Ethics Code at § 2-11.1 (v) during the time they served on the Resort Tax Committee: Mr. Whitman was (and continues to be) managing owner and partner of the Bal Harbour Shops Limited Partnership, and Ms. Perri-Molina was an employee of Neiman Marcus. However, because of the general nature of the tourism advertisements, which promoted the Village of Bay Harbour overall, the Ethics Commission found that neither Mr. Whitman nor Ms. Perri-Molina was directly affected by their votes to approve the ads while serving on the Resort Tax Committee. Consequently, the Ethics Commission dismissed the COMPLAINT against the following individuals:

- **Randy Whitman**, Managing Owner and Partner of the Bal Harbour Shops Limited Partnership,
and
- **Lisa Perri-Molina**, Vice President and General Manager of Neiman Marcus.

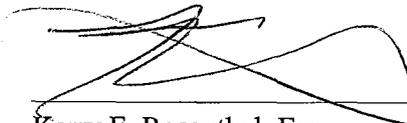
Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against Randy Whitman and Lisa Perri-Molina is hereby DISMISSED.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on May 29, 2008.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:



Kerry E. Rosenthal, Esq.
Chairman