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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: SPENCE, GLANSBERG, AND SANCHEZ

C 08-21

PUBLIC REPORT AND FINAL DISMISSAL ORDER

Michael J. Marchese, Sr., a police officer in the Village of Biscayne Park, filed the above-referenced COMPLAINT against RESPONDENTS Frank Spence, Village Manager; Mitchell Glansberg, Chief of Police; and Antonio Sanchez, Police Captain—all employees of the Village of Biscayne Park.

The COMPLAINT alleged that RESPONDENTS violated the County Code at § 2-11.1 (g) by instructed Officer Marchese to make changes to a police report he submitted on November 20, 2007. Specifically, the COMPLAINANT alleged that Officer Marchese was ordered to submit an abbreviated report that omitted several pertinent facts.

Pursuant to the Code of Miami-Dade County, Section 2-1068 and Section 2-11.1 (y), the Commission on Ethics & Public Trust has jurisdiction to enforce the County Ethics Ordinance at § 2-11.1 (g), which prohibits municipal employees from using or attempting to use their official position to secure special privileges or exemptions for themselves or others.

On August 28, 2008, the Ethics Commission found the COMPLAINT legally insufficient because the behavior described concerned a personnel issue. The Ethics Commission determined, based on evidence obtained in an investigation conducted by the Ethics Commission staff, that the actions did not rise to the level of exploitation of official position and did not obstruct the campaigning efforts of a local candidate for elective office. Rather, the Ethics Commission held

that giving directions to a subordinate on how to complete a report, absent evidence that the resulting report was misleading, was within the normal scope of managerial activities. As per the County Code at § 2-1068, the Ethics Commission cannot “serve as a personnel board resolving personnel matters involving ... municipal employees.”

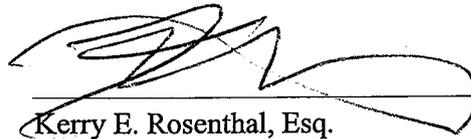
Therefore it is:

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 August 28, 2008.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:



Kerry E. Rosenthal, Esq.
Chairman