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

In re: VALERIE NEWMAN

C 09-24

PUBLIC REPORT AND FINAL DISMISSAL ORDER

COMPLAINANT, Marie Birts, a private citizen, filed the above-referenced COMPLAINT on September 9, 2009, against RESPONDENT Valerie Newman, a City of South Miami Commissioner.

The COMPLAINT contended that RESPONDENT Newman violated the South Miami Ethics Code at § 9-12 (a), *Prohibited campaign contributions by vendors*, when she accepted a campaign contribution from Protector Warranty Corporation prior to the special election on January 13, 2009.

Pursuant to the Code of Miami-Dade County, § 2-1068, the jurisdiction of the Ethics Commission extends “to any person required to comply with the ... County or municipal Code of Ethics Ordinances.” The South Miami Ethics Code at § 9-12 (a) states, “No person who is a vendor to the city shall give a campaign contribution ... to the campaign committee of a candidate ... for the offices of mayor or commissioner.... This prohibition applies to natural persons and to persons who hold a controlling financial interest in business entities.”

In closed session on February 25, 2010, the RESPONDENT proffered that Protector Warranty Corporation was not a City vendor in 2008 and that the Corporation was not listed on the City Vendor List during that time. The fact that Gus Machado is a principal of both Protector Warranty Corporation as well as Gus Machado Ford did not bar Protector Warranty Corporation from contributing to Ms. Newman's campaign. The two corporations are distinct entities, and only Gus Machado Ford is registered as a City vendor.

On February 25, 2010, the Ethics Commission granted RESPONDENT'S MOTION TO DISMISS for LACK OF PROBABLE CAUSE based on the information proffered.

Therefore it is:

ORDERED AND ADJUDGED THAT this COMPLAINT against RESPONDENT Valerie Newman is hereby DISMISSED.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on February 25, 2010.

MIAMI-DADE COUNTY COMMISSION ON ETHICS
& PUBLIC TRUST

By:



Kerry E. Rosenthal, Esq.
Chairman

Signed on this date: 3/8/10