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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

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In re: HORACE FELIU
_____ /

C 10-03

PUBLIC REPORT AND FINAL DISMISSAL ORDER

COMPLAINANT, Philip Stoddard, the current Mayor of South Miami, filed this COMPLAINT as a citizen on January 6, 2010. Mr. Stoddard alleged ethics violations against RESPONDENT Horace Feliu, who at the time was the incumbent candidate for Mayor in the February 9, 2010, general election.¹

The COMPLAINT contended that Mayor Feliu violated the City of South Miami Code at § 8A-2.1 (f), *Code of conduct for all elected officials and board members. Public meeting and hearing protocol*, with his remarks at a City Commission meeting on January 19, 2008.

Specifically, the Mayor was alleged to have been disrespectful to a member of the public, Valerie Newman, when she questioned the Mayor's testimony at a Florida Public Service Commission Hearing earlier in the month.²

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 § 8A-2.1 (f)(2) states, "... Public officials

¹ Mr. Stoddard defeated Mr. Feliu in that mayoral election.

² Ms. Newman, a political ally of Mr. Stoddard, was subsequently elected to the City of South Miami Commission.

should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.....”

On February 25, 2010, the Ethics Commission granted RESPONDENT’S MOTION TO DISMISS for LACK OF PROBABLE CAUSE. Although the Ethics Commissioners acknowledged that rudeness from the dais during public meetings was not to be condoned, they believed that finding probable cause in this case would not serve the public interest. The Commission noted that a political motivation^{ion} may have been a factor in the COMPLAINT being filed prior to the recent election in South Miami, although the alleged conduct occurred two years earlier. Additionally, the RESPONDENT was no longer Mayor.

Therefore it is:

ORDERED AND ADJUDGED THAT this COMPLAINT against RESPONDENT Horace Feliu 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