

CLERK OF THE BOARD  
2010 NOV 10 PM 3:26  
CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1



MIAMI-DADE COUNTY  
COMMISSION ON ETHICS & PUBLIC TRUST

FILED  
FILED

In re: OLIVER G. GILBERT /

C 10-33

**PUBLIC REPORT AND FINAL DISMISSAL ORDER**

Ulysses Harvard, a candidate for Councilman in the City of Miami Gardens, filed the above-referenced COMPLAINT against one of his opponents, Oliver G. Gilbert. The COMPLAINT alleged that RESPONDENT violated State election law, the County Ethics Code governing voting conflicts at Sec. 2-11.1 (d), as well as two subsections of the County's Voluntary Fair Campaign Practices Ordinance—*i.e.*, Sec. 2-11.1.1 (D) (1) 9, which prohibits the use of malicious untruths or innuendoes about an opponent's personal life; and Sec. 2-11.1.1 (D) (1) 11, which prohibits the use of campaign material that falsifies, distorts, or misrepresents facts.

Pursuant to the Code of Miami-Dade County, Sec. 2-1068, the jurisdiction of the Ethics Commission extends to any person required to comply with County or municipal Code of Ethics Ordinances and the Ethical Campaign Practices Ordinance. The Ethics Commission has no jurisdiction over State election law.

On June 1, 2010, RESPONDENT signed the Voluntary Fair Campaign Practices form. Signatories to the voluntary pledge, who freely waive certain First Amendment rights to free speech, are bound by the jurisdiction of the Ethics Commission for violations under Secs. 2-11.1.1 (D) (1) 9 and 11.

On September 14, 2010, staff found the allegation regarding a voting conflict **NOT LEGALLY SUFFICIENT** because the facts presented did not support that Respondent had a



prohibited relationship, as enumerated in the Code, or was benefited or enhanced by the vote. Allegations regarding inaccuracies in Campaign Treasurer's Reports were also **NOT LEGALLY SUFFICIENT** based on a lack of jurisdiction to enforce State election law. Allegations regarding fair campaign violations were legally sufficient and an investigation into these matters proceeded.

On October 28, 2010, the Ethics Commission **DISMISSED** the legally insufficient allegations. At the recommendation of the Assistant Advocate, who stated that the investigation into the campaign practices showed no evidence of any violations, the allegations regarding fair campaign violations were **DISMISSED** for **LACK OF PROBABLE CAUSE**.

Therefore it is:

**ORDERED AND ADJUDGED THAT** the COMPLAINT against RESPONDENT Oliver G. Gilbert is hereby **DISMISSED**.

**DONE AND ORDERED** by the Miami-Dade County Commission on Ethics & Public Trust in public session on October 28, 2010.

MIAMI-DADE COUNTY COMMISSION ON  
ETHICS & PUBLIC TRUST

By:



Kerry E. Rosenthal, Esq.  
Chairman

Signed on this date: 11/8/10