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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

FILE COPY

In re: NANCY SIMON /

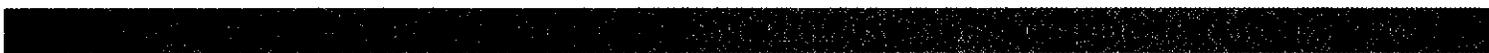
C 10-35

PUBLIC REPORT AND FINAL DISMISSAL ORDER

Gustava Abella, a private citizen, filed the above-referenced COMPLAINT against RESPONDENT Nancy Simon, a Town Councilwoman in the Town of Miami Lakes. The COMPLAINT alleged that RESPONDENT violated the Miami-Dade County Ethics Code at Sec. 2-11.1(d) when she voted to approve a retainer agreement between the Town and a law firm that had been defending her in her capacity as a Town official. Alternatively, COMPLAINANT alleged that if RESPONDENT was being defended without charge by the law firm, RESPONDENT had not disclosed the gift, which would violate the County Ethics Code at Sec. 2-11.1 (e)(4).

Pursuant to the Code of Miami-Dade County at Sec. 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 County Ethics Code at Sec. 2-11.1(a) extends the jurisdiction of the County Ethics Ordinance to municipal officers.

An Ethics Commission investigation revealed that a policy in the Town of Miami Lakes ensures that elected officials receive legal representation in lawsuits and ethics complaints arising in connection with their official duties. Consequently, the Advocate recommended dismissing the COMPLAINT for **LACK OF PROBABLE CAUSE** because RESPONDENT received legal



representation in her official capacity, not in her private capacity and not in the form of a gift, and was therefore not benefited personally by her vote to retain the law firm.

On October 28, 2010, the Ethics Commission **DISMISSED** the COMPLAINT at the recommendation of the Advocate due to **LACK OF PROBABLE CAUSE**.

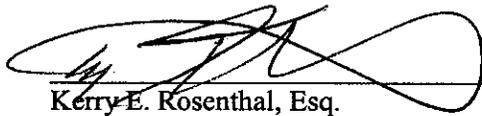
Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against RESPONDENT Nancy Simon 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: November 8, 2010