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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: **KALBAC v. LINDSAY**

C 11-32

**PUBLIC REPORT
AND
FINAL DISMISSAL ORDER**

Joseph Kalbac, a private citizen, filed the above-referenced complaint against Joan Lindsay, a member of the Palmetto Bay Village Council. The complaint alleged that at a public meeting on July 19, 2011, Respondent Lindsay voted on a rezoning matter that could result in special benefits to her. Simultaneously, Mr. Kalbac filed an identical complaint with the State of Florida Commission on Ethics (Florida COE Case No. C 11-128).

As evidence of the potential benefits that might accrue to Councilwoman Lindsay, the Complainant refer to the proximity of Respondent's real property to a school affected by the vote and related pending litigation against Respondent for money damages. If true, Respondent's vote could possibly violate the County Ethics Code at Sec. 2-11.1 (d), which prohibits an elected official from voting on matters if she might, directly or indirectly, profit or be enhanced by the vote.

Pursuant to the Code of Miami-Dade County at Sec. 2-11.1 (y), the jurisdiction of the County 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.

On November 29, 2011, the County Ethics Commission moved to stay its proceedings in this matter until the Florida Commission on Ethics made a determination. On May 9, 2012, the Florida Commission on Ethics dismissed the complaint for lack of probable cause.

In public session on May 31, 2012, the County Ethics Commission invoked its prerogative to dismiss complaints at any stage of disposition, as per Section 2-1074 (s) of the County Code, and granted the Deputy General Counsel's motion to dismiss the complaint with prejudice. Because the relevant portion of the County voting prohibition is analogous the State's, and the Florida Commission on Ethics had dismissed the complaint for lack of probable cause, the County Ethics Commission reasoned that the public interest would not be served by proceeding further on the same issue.

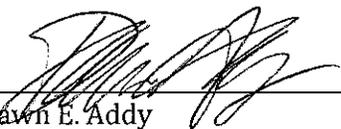
Therefore it is:

ORDERED AND ADJUDGED THAT the above-referenced complaint against Joan Lindsay is hereby dismissed with prejudice.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on May 31, 2012.

MIAMI-DADE COUNTY COMMISSION ON ETHICS &
PUBLIC TRUST

By:



Dawn E. Addy
Chair

Signed on this date: 6/12/2012