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

In re: Busch v. Scholl
_____ /

C 12-44

**PUBLIC REPORT
AND
FINAL DISMISSAL ORDER**

Harvey Busch, a candidate for Commission Seat 3 in Sunny Isles Beach in the November 6, 2012, election, filed this complaint against his opponent, incumbent Commissioner George Scholl. Complainant Busch alleged that Commissioner Scholl made age an issue in the campaign.

Pursuant to the Code of Miami-Dade County at Sec. 2-11.1.1 (A), candidates for local office are required to comply with the mandatory portion of the Ethical Campaign Practices Ordinance. The Ethics Commission is authorized to enforce the Ethical Campaign Practices Ordinance at Sec. 2-11.1.1 (B).

Nothing in the Ethical Campaign Practices Ordinance prohibits a candidate from using age as an issue in his campaign. Even if a candidate were to agree to the voluntary provisions of the ordinance, age is not a protected class.

Because the allegations filed in this complaint do not point to a violation of an ordinance within the jurisdiction of the Ethics Commission to enforce, the Ethics Commission dismissed the complaint for lack of legal sufficiency on November 27, 2012.

Therefore it is:

ORDERED AND ADJUDGED THAT the complaint against George Scholl is hereby dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on November 27, 2012.

MIAMI-DADE COUNTY COMMISSION ON ETHICS
& PUBLIC TRUST

By:



Charlton Copeland

Chair

Signed on this date: Jan. 24, 2013