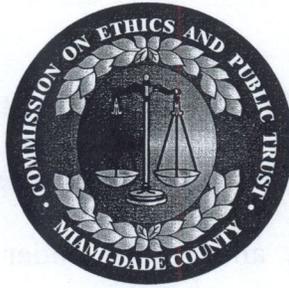


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CLERK OF THE BOARD

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CLERK, CIRCUIT & COUNTY CTS
MIAMI-DADE COUNTY, FLA.
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**MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST**

In re: Gonzalez v. Chervony
_____ /

C 12-47

**PUBLIC REPORT
AND
FINAL DISMISSAL ORDER**

Jorge Gonzalez, an at-large Village Commissioner in North Bay Village, filed the above-captioned complaint against Dr. Richard Chervony, a Commissioner in North Bay Village representing North Bay Island. The complainant alleged that Dr. Chervony filed frivolous ethics complaints against Mr. Gonzalez when both men were campaigning for commission seats in North Bay Village prior to the November 2012 election.

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, which, among other proscriptions, forbids knowingly filing a groundless or frivolous ethics complaint against another candidate. The Ethics Commission is authorized to enforce the Ethical Campaign Practices Ordinance at Sec. 2-11.1.1 (B).

Commissioner Gonzalez admitted that Commissioner Chervony had not filed any *formal* complaints with the County Ethics Commission, but rather had communicated orally and via emails with the Ethics Commission staff. As per the

County Code at Sec. 2-1074 (a)(2), a complaint must be filed in writing, on a form prescribed by the Ethics Commission, based substantially upon the personal knowledge of the complainant, and signed under oath or affirmation by the complaining person. These requirements comport with due process procedures that protect a respondent's right to know and confront his or her accuser.

Because this complaint did not describe an action that violates the County Ethics Code, the Ethics Commission dismissed the complaint for lack of legal sufficiency on January 24, 2013.

Therefore it is:

ORDERED AND ADJUDGED THAT the complaint against Richard Chervony is hereby dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on January 24, 2013.

MIAMI-DADE COUNTY COMMISSION ON ETHICS
& PUBLIC TRUST

By:


Charlton Copeland

Chair

Signed on this date: 2/20/2013