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

**In re: Mendiola v. Hutner**

**C 12-48**

**PUBLIC REPORT  
AND  
FINAL DISMISSAL ORDER**

Carmen E. Mendiola, a private citizen, filed the above-captioned complaint against Mark A. Hutner, a private attorney who represented the Versailles Hotel Condominium Association in a real estate transaction in 2011. The complaint alleged that Hutner was involved in certain activities that may have deprived some condominium owners of their assets.

Pursuant to the Miami-Dade County Code at Secs. 2-1068 and 2-11.1 (y), the Ethics Commission has no jurisdiction to enforce the County Ethics Code against private attorneys in business dealings that have no nexus to County or municipal governments:

Jurisdiction of the Ethics Commission shall automatically extend to commissioners, autonomous personnel, quasi-judicial personnel, departmental personnel, employees, advisory personnel, immediate family, lobbyists as defined in Subsections (b) and (s) who are required to comply with the Conflict of Interest and Code of Ethics Ordinance; and any other person required to comply with the Conflict of Interest and Code of Ethics Ordinance including, but not limited to, contractors and vendors." Miami-Dade County Code at Sec. 2-11.1 (y).

Because this complaint did not describe an action that was committed by an individual subject to the County Ethics Code or 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 Mark A. Hutner 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: 2/27/2013