



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

CLERK OF THE BOARD
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CLERK OF THE BOARD
MIAMI-DADE COUNTY, FLA.
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**In re:
Philip Stoddard and Bob Welsh**

C 13-30

PUBLIC REPORT AND FINAL ORDER

Kenneth Harms, a private citizen, filed the above-referenced complaint against Respondents City of South Miami Mayor Philip Stoddard and City Commissioner Bob Welsh for allegedly engaging in a voting conflict at a Special City Commission meeting on August 14, 2013. Specifically, the complaint claimed that respondents should not have voted on a resolution confirming the City Commission's prior interpretation of the City Charter, the City Commission's prior approval of all appointments of Orlando Martinez de Castro to the office of Acting City Manager and approving the termination of Martinez de Castro's five-year employment agreement with the City. Harms alleged that Stoddard had a conflict because Martinez de Castro currently had a libel lawsuit pending against Stoddard because of alleged defamatory comments made by Stoddard about Martinez de Castro on Stoddard's personal blog. Martinez de Castro also had filed a Notice of Intent to sue Commissioner Welsh pending at the time of the August 14, 2013 Special City Commission meeting.

At its November 14, 2013 meeting, the Ethics Commission found No Probable Cause to sustain the complaint and it was dismissed. The Ethics Commission held that neither Stoddard nor Welsh stood to gain or profit or be enhanced by voting on the resolution. Their vote on the resolution had no effect on any pending lawsuits against them. Moreover,

the record showed that they relied on the advice of the City Attorney who told them they could vote on the resolution.

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...."

On November 14, 2013, in closed session, the Ethics Commission's Advocate recommended that the case be dismissed for lack of probable cause. In open session, the Ethics Commission voted unanimously to dismiss the instant case against both respondents.

Therefore it is:

ORDERED AND ADJUDGED that COMPLAINT C 13-31 against respondents City of South Miami Mayor Philip Stoddard and City Commissioner Bob Welsh is hereby concluded.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on December 12, 2013.

MIAMI-DADE COUNTY COMMISSION ON ETHICS &
PUBLIC TRUST

By:


Charlton Copeland
Chair

Signed on this date: 12/12/2013