



## **LETTER OF INSTRUCTION**

**To: City of Miami Beach**  
**From: Miami-Dade County Commission on Ethics and Public Trust**  
**Re: Complaint C13-35 (In re. Hibbert)**  
**Date: January 2014**

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An ethics complaint was filed against a City of Miami Beach employee in the City's Information Technology (IT) department. The complainant, Michael Burke (Burke) alleged that the City repeatedly frustrated his requests for certain public records violating the Citizen's Bill of Rights.

On January 9, 2014, the Miami-Dade County Commission on Ethics and Public Trust determined there was No Probable Cause to sustain the complaint and dismissed the case. However, the Commission deemed it appropriate to issue a Letter of Instruction suggesting that, in order to better assist citizens, the City establish better communication between departments and a clearer process and procedure for handling public record requests.

WHEREFORE, the Commission on Ethics and Public Trust issues this Letter of Instruction:

The Citizen's Bill of Rights states in pertinent part that, "(3) *Public Records. All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public.*"

The complainant, Burke, made a public records request (PRR) to the City Clerk's office on September 9, 2013. (Documentation later provided by the city indicates the date of his initial PRR was actually September 19, 2013.) His request was assigned a city public records request number of **8223**. The request was to "make available for my perusal all variances, permits, renderings, reports, waivers, memoranda, letters, e-mails, billing and payment records re: 1442 "Jefferson Lane," Miami Beach, Fl. 33139."

Burke said he was told at various stages of the process that he needed to provide a specific "date range" for his request, that there were no results at all for the property, and finally, that there was no such

address in Miami Beach - that is, there is no Jefferson "Lane." (There is, however a Jefferson "Avenue.")

By the date of Burke's call to COE, nearly two months after his initial PRR request to the city, he still had not received the information he sought, and had become convinced that the city was deliberately dragging its feet to comply.

The City advised that over the course of several conversations and e-mail exchanges, that Burke's original public records request eventually became three successive requests.

As it turned out, another City employee, Antoinette Stohl, discovered the problem with Burke's PRR. She advised that "Jefferson Lane," the address Burke used in his initial PRR, did not exist. She conducted her research on the address "1442 Jefferson Avenue" - the address Burke intended to find out information about- and found that it had not come before the Board of Adjustment or Planning Boards. Although Stohl advised Burke that no "Jefferson Lane" address existed, Burke claimed not to have seen the e-mail and made another PRR for information about the "Jefferson Lane" address.

Late last year, in ethics complaint C13-16, this Commission also issued a Letter of Instruction to the City. That complaint similarly dealt with the difficulty a citizen encountered in obtaining a public record from the City.

This Letter of Instruction is issued to the City to again remind them of their continuous duties, obligations and responsibilities under the Citizens' Bill of Rights. Public servants are often required to respond to an increasingly inquisitive and demanding citizenry. While at times these requests can become burdensome it is the duty of the public servant to be helpful and provide full and accurate information. Citizens, however, should be as specific as they can be when requesting public records as lack of specificity in the request can obviously cause delays in obtaining the records. This Commission heard from the First Deputy City Attorney for the City at the probable cause hearing. We believe that the City is committed to ensuring full and prompt compliance with public record requests. The City admitted that there is room for improvement in their system. We're confident the City will take this Letter of Instruction to heart in all their future interactions with the public, specifically with regard to ensuring full and prompt compliance with public record requests.