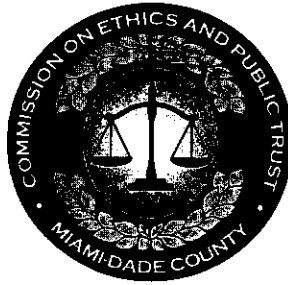


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CLERK OF THE BOARD
MIAMI-DADE COUNTY, FLA.
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**MIAMI-DADE
COMMISSION ON ETHICS & PUBLIC TRUST**

In re.

C 13-38

Kira Grossman
_____ /

PUBLIC REPORT AND FINAL ORDER

COE Deputy General Counsel filed the above-referenced complaint against Respondent Kira Grossman (Grossman), former attorney for the Miami Parking Authority. The complaint alleged that Respondent violated Sec. 2-11.1(g), entitled *Exploitation of official position*, of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance (the Ordinance), when she sent e-mails regarding a networking event that was also a fundraiser for then-Mayoral candidate Francis X. Suarez from her City computer and City e-mail account.

Pursuant to the Code of Miami-Dade County at Secs. 2-1068 and 2-11.1 (a), the Ethics Commission is empowered to enforce the County and municipal Code of Ethics ordinances and to accept and enforce settlement agreements entered into by the Deputy General Counsel/Advocate and Respondents.

On March 13, 2014, in closed session, the Ethics Commission held a probable cause hearing and found that there was insufficient evidence to substantiate a claim that Respondent violated Sec. 2-11.1(g) of the Ordinance. The Ethics Commission ordered that a Letter of Instruction be issued to Respondent.

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Therefore it is:

ORDERED AND ADJUDGED that COMPLAINT C 13-38 against Respondent Kira Grossman is hereby dismissed with the attached Letter of Instruction.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on March 13, 2014.

MIAMI-DADE COUNTY COMMISSION ON ETHICS
& PUBLIC TRUST

By:



Nelson Bellido
Chair

Signed on this date: 5/14/2014

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



LETTER OF INSTRUCTION

To: Kira Grossman
County & municipal employees
County & municipal elected officials

From: Miami-Dade County Commission on Ethics and Public Trust

Re: Ethics Complaint C13-038

Date: May 2014

On November 19, 2013, the Commission on Ethics (COE) filed an Ethics Complaint against former attorney for the Miami Parking Authority, Kira Grossman (Grossman). The complaint alleged that Grossman violated Section 2-11.1(g), entitled *Exploitation of official position prohibited*, of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (the Ordinance).

On March 13, 2014, after holding a probable cause hearing, the Ethics Commission found there was insufficient evidence to substantiate a violation of Sec. 2.11.1(g), dismissed the complaint, and ordered the issuance of this Letter of Instruction. At that meeting three (3) out of five (5) Ethics Commissioners were present; one (1) voted for a finding of probable cause and two (2) voted against a finding of probable cause.

Investigation into the facts of this case revealed the following:

-On May 28, 2013, Respondent sent an e-mail from her City e-mail account inviting individuals to attend an event at "The Stage" on May 30th, which was also a fundraising reception for then-Mayoral candidate Francis X. Suarez.

-The evidence showed that Respondent served on the host committee for the Suarez fundraising event. In an e-mail from Brian Goldmeier (a fundraiser for the Suarez campaign) to Respondent, sent on May 16, 2013, he addresses the recipients as "Host Committee Members." In addition, Respondent's name appears on the flyer advertising the event under the heading "Please Join Our Host Committee."

-Respondent also exchanged numerous e-mails with Goldmeier regarding the event.

RELEVANT ORDINANCES

Section 2-11.1(g) (Exploitation of official position prohibited), of the Ordinance, states in pertinent part:

“No person included in Subsection (b)(1) through (6) shall use or attempt to use his official position to secure special privileges or exemptions for himself or others...”

WHEREFORE, the Miami-Dade County Commission on Ethics and Public Trust hereby issues this Letter of Instruction to Respondent specifically, as well as to all County and municipal employees and elected officials generally.

COE precedent clearly establishes that the use of government resources for political campaigns constitutes an exploitation of official position. In INQ 10-133, the COE advised the Mayor of West Miami that he could not use official city letterhead to endorse a candidate for state office. In INQ 11-26, the COE advised the County’s Property Appraiser that he could not use the resources of his office to announce his intention to run for re-election. In INQ 12-175, the COE advised the City of Miami that City Commissioners who wished to endorse a candidate for office could not use any City resources to do so. Further, in 2008 the COE advised Mayor Alvarez that he could not use the County e-mail system to disseminate a political endorsement from the PBA and Firefighters Union. Also in 2008, the COE issued a letter to the City of Homestead advising its officials that they could not use the City’s e-mail system to disseminate invitations to a political fundraiser for Mario Diaz-Balart’s campaign.

Additionally, in August 2012, the COE’s Executive Director issued a memorandum to all County and municipal officers and employees entitled, “Limitations on Political Activities of County and Municipal Officers and Employees.” The memorandum specifically states, “political campaign activities may not be conducted while on duty, and must not involve the use of public resources in support of any political campaign, including office stationery, **computers**, or vehicles...” (Emphasis added)

After a long debate, the Ethics Commission ruled that the May 28th e-mail was insufficient to establish a violation of Sec. 2-11.1(g). In reaching this conclusion, it reasoned that the e-mail did not specifically state that the event was a fundraiser for a mayoral candidate, but rather promoted the event as a professional networking opportunity. Therefore, it found that the e-mail did not rise to the level of an exploitation of official position. It noted, however, that Respondent’s behavior was very close to the line, as evidenced by the 2/1 vote, and is not advisable for public employees. The Commission was particularly concerned with the use of government resources for political purposes and ordered the issuance of this Letter of Instruction to remind Respondent, and all government officials and employees, that government resources may not be used in furtherance of a political campaign. In fact, we opine that the best practice is not to use City e-mail for any purpose other than City business.¹ Following this simple rule will ensure that individuals do not violate Sec. 2-11.1(g) in his/her use of City computers and e-mail.

¹ City of Miami Administrative Policy APM 1-98 states that “telecommunication equipment” (including computers) is to be used to support City business. It goes on to specifically prohibit the distribution of “messages that are political or religious in nature.”