

COPY



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

In re:

C 14-38

Eddy Gonzalez

PUBLIC REPORT AND FINAL ORDER

Pedro Garcia (Garcia), the Property Appraiser for Miami-Dade County, filed this complaint alleging that his opponent in the November 2014 election, Eddy Gonzalez (Gonzalez) violated the Mandatory Fair Campaign Practices (MFCP) ordinance when he approved campaign material for his (Gonzalez') election campaign that that contained material falsehoods.

Garcia alleged that the "Campaign of Eddy Gonzalez for Property Appraiser" (campaign) aired political advertisements on various Spanish language television networks that contained intentional falsehoods.

The Ethics Commission determined that Respondents political advertisements did distort the truth. However, there was insufficient evidence to show that Complainant was exposed to hatred, contempt, or ridicule or was caused to be shunned or avoided, or was injured in his or her business or occupation, as required by the MFCP ordinance. Accordingly, the Ethics Commission found No Probable Cause to sustain the complaint but ordered a Letter of Instruction be issued to Respondent.

On January 14, 2015, in open session, the Ethics Commission found that there was No Probable Cause to sustain the complaint, dismissed it and ordered the issuance of a Letter of Instruction.


Therefore it is:

ORDERED AND ADJUDGED that **COMPLAINT C 14-38** against Respondent Eddy Gonzalez is hereby dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on this 14th day of January, 2015.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:



Nelson Bellido

Chair

Signed on : 1/15/2015



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

LETTER OF INSTRUCTION

To: Eddy Gonzalez

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

Re: Ethics Complaint C14-38

Date: February 2015

An ethics complaint was filed by Miami-Dade County Property Appraiser Pedro Garcia (hereinafter referred to as "Garcia") against Eddy Gonzalez (hereinafter referred to as "Respondent"), who ran against Garcia as a candidate for Miami-Dade County Property Appraiser. Garcia alleged that Respondent violated the Mandatory Fair Campaign Practices ordinance (MFCP) when he approved campaign material for his (Respondent's) election campaign that contained false statements.

On January 14, 2015, the Miami-Dade County Commission on Ethics and Public Trust found that although the evidence was insufficient to sustain a finding of probable cause, Respondent's political advertisement did distort the truth and was misleading. Accordingly, the Ethics Commission ordered that Respondent be issued a Letter of Instruction.

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

Respondent does not deny that he approved the advertisements in question. The political advertisements were misleading. The advertisements featured a Miami Herald news article that appeared on July 13, 2013, in support of the allegation that Garcia paid an employee \$400,000 and failed to take corrective action against the employee for not performing as a Miami-Dade County employee. Investigation determined that the "\$400,000 employee" referred to was employed by Miami-Dade County in 2010 and during a time when Garcia was not the Property Appraiser. The employee was acting as a union representative under the terms of the then existing union contract. In 2013, the County Attorney's Office advised the then-Property Appraiser Carlos Lopez-Cantera, that he had no authority to discipline a Property Appraiser's Office employee, when the employee was acting as a union representative. Moreover, the advertisement insinuates that the employee earned \$400,000 a year, when, in fact, that figure represents his salary over a period of four years.

Relevant ordinances:

2.11.1.1 Ethical campaign practices ordinance

“(C) Mandatory Fair Campaign Practices (1) Prohibitions. A candidate and his or her campaign staff to the Miami-Dade County Commission, Mayor of Miami-Dade County, Property Appraiser of Miami Dade County, Miami – Dade Fire and Rescue Service District Board, Miami-Dade County Community Councils or for any municipal elective within Miami-Dade County

(a) With actual malice make or cause to be made any untrue oral statement about another candidate or a member of his her family or staff which exposes said person to hatred, contempt or ridicule or causes said person to be shunned or avoided or injured in his or her business or occupation.

(b) With actual malice publish or cause to be published by writing, printing, picture, effigy, sign or otherwise than by mere speech any untrue statement about another candidate or a member of his or her family or staff which exposes said person to hatred, contempt, or ridicule or causes said person to be shunned or avoided, or injured in his or her business or occupation;”

There is no question that Respondent’s political advertisements distort the truth. The Miami Herald article from June 2013 points out that some employees of Miami-Dade County do, in fact, continue to draw their County salary while they are detached to perform union activities; these arrangements are set out in the collective bargaining agreements. Moreover, Respondent’s advertisement wrongly implies that Garcia paid an employee an annual salary of \$400,000 when, in fact, that number represents the cumulative salary of the employee in question over several years. Additionally, the advertisement insinuates that Garcia mismanaged the Property Appraiser’s office because he allowed this activity to go on unchecked. Respondent’s advertisement was not truthful and, we can conclude that the untrue statements were made with knowledge of their falsity or with reckless disregard for their truth or falsity because Respondent was well aware of the Miami Herald article, indeed, he uses it in the advertisement that explained the reason why certain employees, detached to union duty, still collected their County salary. Since it purports to regulate political speech, the MCFP ordinance establishes a very high standard in order to sustain a violation, as well it should. Although this Commission found no probable cause to sustain the complaint, Respondent unquestionably violated the spirit of the MCFP ordinance and would have been in violation of the Voluntary Fair Campaign Practices ordinance had he agreed to be bound by it.

Should Respondent ever decide to run for public office again, we urge him to familiarize himself with the voluntary and mandatory provisions of the Fair Campaign Practices ordinance and to choose the high road in approving the type of political advertising he distributes.

Political campaigns can be rough and tumble but there is always room for legitimate, honest political debate that does not resort to lies, deception and distortion, indeed, the ethical candidate has no need to resort to misleading and deceptive political advertising.

We hope that Respondent and all candidates for public office will take this Letter of Instruction to heart and use it as a guide in conducting their campaigns. We urge Respondent to contact this Commission in the future whenever he has a question or needs guidance about the conflict of interest and ethics laws.