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

In re:
Carswell v. Chiverton and
Bessent-Harrell

C 16-25

PUBLIC REPORT AND FINAL ORDER

Keith Carswell, former Budget Administrator of the City of Opa-locka (Carswell), filed the above-referenced complaint against Respondents, David Chiverton , former City Manager (Chiverton), and Yvette Bessent-Harrell, current City Manager (Harrell). Carswell alleged that Chiverton and Harrell retaliated against him after he reported acts or suspected acts of gross mismanagement and gross waste of public funds committed by Opa-locka employees, thereby alleging "whistleblower" retaliation, in violation of Section 2-56.28.11 of the Miami-Dade County's Employee Protection Ordinance (Ordinance). The Ordinance extends protection to *County* employees who report unlawful activity, fraud, misfeasance or malfeasance committed by *County* officials or employees. The jurisdiction of the Ordinance does not extend to municipal employees. Consequently, the Ethics Commission lacks jurisdiction to proceed against the complaint. On August 10, 2016, in closed session, the Ethics Commission's Staff Attorney recommended that the case be dismissed. In open session, the Ethics Commission voted unanimously to find No Legal Sufficiency and dismissed the case.

Wherefore it is:

ORDERED AND ADJUDGED that COMPLAINT C16-25 against Respondents, Chiverton and Harrell, is hereby dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on August 10, 2016.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:

Judge Lawrence Schwartz
Chair

Signed on this date:

8-23-16