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

In re: **C 17-05**
Spiezio v. Brown and Harrell

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PUBLIC REPORT AND FINAL ORDER

Complainant Joseph Spiezio (Spiezio) filed this complaint against City of Opa-locka City Attorney Vincent Brown (Brown) and City Manager Yvette Harrell (Harrell) alleging a violation of Section (A) (3) of the Citizens' Bill of Rights entitled "Public Records" in that they willfully failed to produce requested public records in a timely fashion.

Investigation determined that Spiezio's company was engaged in litigation with the City of Opa-locka over a bid for the City's waste hauling services. During that time and over the course of about one month, Spiezio made four public record requests seeking a voluminous amount of records including text messages from the personal cell phones of several City officials.

Investigation showed that although the City's process and procedure for responding to public record requests broke down and some of the requests simply "fell through the cracks." While this ineptitude by the City is not an excuse for timely responding to public record requests, there was insufficient evidence to sustain a charge that the City officials intentionally withheld public records from the complainant.

The Ethics Commission agreed with the Advocate's recommendation that there was no probable cause in this case.

On October 12, 2017, in open session, the Ethics Commission unanimously voted to dismiss the complaint for lack of probable cause.

Therefore it is:

ORDERED AND ADJUDGED that COMPLAINT C 17-05 against respondents Vincent Brown and Yvette Harrell is hereby concluded.

C17-05 In re: Spiezio v. Brown Final Order

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on this 12th day of October, 2017.

MIAMI-DADE COUNTY COMMISSION ON ETHICS &
PUBLIC TRUST

By:



H. Jeffrey Cutler

Vice Chair

Signed on : 10/19/2017