



MIAMI-DADE
COMMISSION ON ETHICS & PUBLIC TRUST

CLERK OF THE BOARD
2017 MAY 30 PM 1:17

CLERK, CIRCUIT & COUNTY CLERK
MIAMI-DADE COUNTY, FLA.
#1

In Re:

C 17-06

Alex Rey
_____ /

PUBLIC REPORT AND FINAL ORDER

Complainant Miriam Campos (Campos) filed this complaint on behalf of the Loch Ness Homeowners' Association (HOA), against the Town of Miami Lakes (Town) Manager Alex Rey. Ramos alleged that Rey violated the Citizens' Bill of Rights *Truth in Government* provision by *knowingly* furnishing false information to the public at a meeting with the HOA.

On February 16, 2017, Rey called a meeting with the HOA for the purpose of keeping the HOA informed of pending litigation between the Town and Comar developers concerning the Town's denial of an application for a site plan at the Loch Ness neighborhood. The meeting was attended by HOA members, the Mayor, the Town Planner and Rey. During the meeting, Rey was asked by the HOA whether the Town had received a written settlement offer from Comar to which Rey replied in the negative. It was later discovered that Rey had in fact been copied on an email by Town Attorney Gastesi on January 30, 2017, which included Comar's settlement offer.

Investigation revealed that when Rey was asked by the HOA whether the Town had received a settlement offer, he had not read the January 30th email. Rey nevertheless disclosed the terms of the offer to the HOA except he characterized it as a "proposal" from Comar based on his prior conversations with the attorneys involved in the lawsuit. There is no evidence indicating that Rey had any intent to mislead or deceive the HOA since he disclosed what he believed to be the facts at the time he made the statement.

Additionally, a violation of the Citizens' Bill of Rights' provision *Truth in Government*, requires that the alleged false statement concern a "public matter". While it was Rey's intention to keep the HOA informed about the progress of the *Comar* lawsuit, the disclosure of a settlement offer in a pending lawsuit is not a "public matter" which may be disclosed to the public at large. See §286.011(8); §90.502(6), Fla. Stats.

On May 10, 2017, the Ethics Commission accepted the Staff Attorney's recommendation and dismissed the complaint for lack of probable cause.

Wherefore, it is

ORDERED AND ADJUDGED that COMPLAINT C17-06 against Alex Rey is concluded.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on this 10th day of May, 2017.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:



Judge Lawrence A. Schwartz

Chairman

Signed on : 5-22-17