

CLERK OF THE BOARD

2018 DEC 31 PM 12: 56

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



FILE COPY

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

C 18-41-10

In re:

John Dubois

PUBLIC REPORT AND FINAL ORDER

David Singer (Singer), a Councilman in the Village of Palmetto Bay (VPB), filed this complaint against the Vice-Mayor of VPB, John Dubois (Dubois).

Singer alleged that DuBois violated Section 2-11.1(d) of the Miami- Dade County Conflict of Interest and Code of Ethics Ordinance (the County Ethics Code) by voting on an application regarding the Village Mixed-Use (VMU) Zoning District land use amendments. On or about May 2, 2016, DuBois voted on the VMU after receiving an ethics opinion from former Executive Director Joseph Centorino (Centorino) advising that he had a conflict and should refrain from voting.

Additionally, Singer alleged that DuBois engaged in a further conflict in March of 2018 when he voted in favor of a proposal to repeal the previous VMU decision. This conflict was allegedly due to his relationship with attorney Jeffrey Leary (Leary). Leary is an employee of Miami-Dade Citizens for Property Rights (MDCPR), a non-profit organization wholly owned and funded by Dubois.

Investigation determined that Dubois obtained an informal ethics opinion from Centorino but subsequently obtained an opinion from the State of Florida Ethics Commission which advised that Dubois *did not* have a conflict based on the proximity of his property to the VMU. After a lengthy investigation (see investigation K16-021 for details), the Advocate determined that the evidence did not rise to the level of probable cause to justify filing a complaint against Dubois for a voting conflict.

Commission staff had re-addressed the issue of whether Dubois' proximity to the VMU property, by itself, created a voting conflict under 2-11.1(d) of the County Ethics Code. Staff conducted a site visit to the VMU property and physically observed its distance from Dubois' property. Dubois advised now, and previously, that he has no financial interest in the proposed development of the VMU.

FILE COPY

Although Section 2-11.1(d) provides that a voting conflict may be created where the voting official "might, directly or indirectly, profit or be enhanced by the action of the board, COE Staff concluded in Draft RQO18-04 that, any enhancement of Dubois because of the proximity of his property to the VMU would be too remote and speculative to support a finding that a voting conflict exists.

Regarding the alleged conflict due to Dubois' relationship with attorney Leary and MDCPR, a review of the docket on the matter of the Petition for Writ of Certiorari filed by Leary reflected that the Court entered an Order Granting Petitioner's Motion for Substitution of Counsel on November 22, 2017. The Order relieved Leary as counsel for Petitioner and substituted Guillermo Cuadra, Esq. as counsel, thus removing the conflict on that basis¹. Accordingly, that conflict was resolved by the time Dubois voted to repeal the VMU decision in March 2018.

On December 13, 2018, the Ethics Commission agreed with the recommendation of the Advocate that there was No Probable Cause and dismissed the complaint.

Wherefore it is:

ORDERED AND ADJUDGED that COMPLAINT C18-41-10 against John Dubois is dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on this 13th day of December 2018.

MIAMI-DADE COUNTY COMMISSION ON ETHICS
& PUBLIC TRUST

By:



H. Jeffrey Cutler

Chairman

Signed on : 12-20-2018

¹ Complainant acknowledges that the Village successfully defended against this lawsuit and all litigation regarding this matter is complete.