

IN THE COMMISSION ON ETHICS AND
PUBLIC TRUST, AN INDEPENDENT
AGENCY AND INSTRUMENTALITY OF
MIAMI-DADE COUNTY, FLORIDA

ETHICAL CAMPAIGN PRACTICES
EXPEDITED HEARING PROCEDURE

CASE NO. C 18- 39-10

BRENT LATHAM,

Complainant

v.

LAURA CATTABRIGA

Respondent

FINAL ORDER

This cause came on to be heard for a probable cause determination based on allegations made by Complainant, BRENT LATHAM, a candidate for Mayor in the Village of North Bay Village, against LAURA CATTABRIGA, a current Commissioner in the Village and a candidate for Mayor.

LATHAM alleged that CATTABRIGA violated Sections 6,7, 8 and 9 of the Voluntary Fair Campaign Practices ordinance (VFCP) and the "Truth in Government" provision of the Citizens' Bill of Rights (CBR). Both parties were present at the hearing and were afforded adequate opportunity to be heard.

It was Stipulated that CATTABRIGA agreed to be bound by the VFCP ordinance.

Essentially, LATHAM complained that CATTABRIGA falsely claimed that he does not live in North Bay Village and that he violated Florida law by having two Homestead exemptions on two different pieces of property that he owns. A flyer, paid for and approved by an Electioneering Communications Organization (ECO) called "Common Sense" mailed to North Bay Village residents claimed that LATHAM is violating Florida law and that he does not live in North Bay Village. There was no evidence establishing a link between "Common Sense" and CATTABRIGA, however, pursuant to section 10 of the VFCP, CATTABRIGA pledged to disavow attacks on her opponent from third parties supporting her candidacy.

FINDINGS

After hearing from both sides and considering the memorandum submitted by the Ethics Commission Advocate, I find that because campaign material does not constitute giving "requested" information to members of the public that there is NO PROBABLE CAUSE to believe that CATTABRIGA violated the CBR. Additionally, for the reasons stated in CATTABRIGA'S Response to the Complaint, there is NO PROBABLE CAUSE to sustain a violation of Sections 6,7, or 8 of the VFCP ordinance.

However, I do find PROBABLE CAUSE to believe that CATTABRIGA violated Sections 9, 10 and 11 of the VFCP. Wherefore, CATTABRIGA is ORDERED to publicly disavow any third-party allegations made against LATHAM, within FIVE (5) days. I find that no admonition or reprimand is warranted in this case. Based upon the evidence adduced and the agreement of the parties, this matter is concluded.



Victor Tobin
Florida Bar # 176539
Hearing Examiner
Commission on Ethics
19 W. Flagler Street, #820
Miami, FL 33130

10/24/18