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In re:

MIAMI-DADE  
COMMISSION ON ETHICS & PUBLIC TRUST

C18-50-12

**Flinn and Silva**

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### PUBLIC REPORT AND FINAL ORDER

Complainant Gary Pastorella (Pastorella) alleged that former Palmetto Bay Mayor Eugene Flinn (Flinn), failed to fully respond to a public records request made by Pastorella on September 27, 2018.

Pastorella's request was in two parts. The first was for all e-mail addresses Flinn collected in response to a poll Flinn conducted on his blogsite regarding the creation of a Community Center; the second request was for a listing of all of the e-mail addresses used to send, or were received in response to, Flinn's "South Dade Updates" blog site, and also used or received by other Flinn publications.

Flinn responded to the requests with a list of e-mail addresses approximately seventy-six (76) pages long. Pastorella subsequently accused Flinn of failing to provide all the addresses allegedly in Flinn's possession.

Investigation determined that Flinn made a good-faith effort to provide the e-mail addresses that he could determine were truly Village business. Investigation was unable to conclude that sufficient evidence existed to support a finding that Flinn failed to provide copies of public records to Pastorella within a reasonable time. Moreover, Pastorella has possession of the e-mail addresses that he claimed Flinn failed to provide.

On March 13, 2019 the Ethics Commission agreed with the recommendation of the Advocate that there was No Probable Cause to proceed against Flinn and dismissed the complaint.

Although the complaint named Village Manager Ed Silva as a Respondent, the complaint did not contain any allegations against Silva. Accordingly, the complaint against Silva was dismissed as not legally sufficient.

Wherefore it is:

**ORDERED AND ADJUDGED** that COMPLAINT C18-50-12 against Eugene Flinn and Ed Silva is dismissed.

**DONE AND ORDERED** by the Miami-Dade County Commission on Ethics & Public Trust in public session on this 13<sup>th</sup> day of March 2019.

MIAMI-DADE COUNTY COMMISSION ON  
ETHICS & PUBLIC TRUST

By:



H. Jeffrey Cutler

Chairman

Signed on: 03-19-2019