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MIAMI-DADE COUNTY COMMISSION ON
ETHICS AND PUBLIC TRUST

In re:

C19-29-07

Joshua Fuller

PUBLIC REPORT AND FINAL ORDER

Complainant, Frances Neuhut (Neuhut), is a resident of Bay Harbor Islands (BHI). She filed this complaint against BHI Vice-Mayor, Joshua Fuller (Fuller), alleging that, as he chaired the June 10, 2019 BHI Town Council meeting, he failed to recognize her intention and right to speak on a particular agenda item.¹

Investigation determined that Neuhut signed in to speak on Item 14 at the last minute and the call for the vote happened very quickly. The video evidence shows that the Town's recording Secretary, Ms. Sosa, stood behind Vice-Mayor Fuller for some period while the vote on Item 14 was going on before he even realized that Sosa was standing there. It does not appear that Vice-Mayor Fuller knew that Neuhut wanted to be heard on Item 14 and deliberately denied her the opportunity to speak.

The Advocate recommended that the Ethics Commission find there was No Probable Cause to believe that Vice-Mayor Fuller violated Section (A)(5) of the Citizens' Bill of Rights and that the complaint should be dismissed.

¹ Complainant also alleged a violation of BHI Town Code Section 2-22 (b): At the public hearing for variances requiring town council approval, property owners within 375 feet of the property under consideration, and any other interested persons shall be permitted to testify and express their opinions before the town council. However, the BHI Town Code is not within the jurisdiction of the Ethics Commission.

On September 11, 2019, in open session, the Ethics Commission agreed by a majority vote, with the Advocate's recommendation and found No Probable Cause existed to support the allegations and ordered the complaint be dismissed.

Wherefore it is:

ORDERED AND ADJUDGED that COMPLAINT C19-29-07 is hereby dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on this 11TH day of September 2019.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By: *H. Jeff Cutler*

H. Jeffrey Cutler
Chairman *09/18/2019*
Signed on : _____