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In Re: Reinaldo "Ray" Horday

C19-32-08

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**PUBLIC REPORT AND FINAL ORDER**

Jose Smith (Smith) filed this complaint against Reinaldo "Ray" Horday (Horday), the Trustee of the Miami Beach Employees' Retirement Plan (the Plan). Smith alleged that days before the election of a new Retiree Member of the Plan, Horday distributed a publication entitled, "Nostalgic Gazette." The publication bears a photo of Horday and displays a "Message from your Trustee." Horday's message was about the favorable status of the Retirement Plan. It also mentions that it has been eighteen (18) years since he was elected as its representative, and that the Board is proud of the COLA increases its members received which "we" (the Plan) had been pushing for these benefits over the past several years. The publication further informs the pension members of the upcoming election for the Trustee position of the Retirement Plan.

Horday's mailer was delivered to all City of Miami Beach retirees and was paid for by public Retirement Plan funds. Smith alleges that the mailer constitutes "campaign activities" by Horday and that the mailer is an attempt by Horday to gather support for himself in the upcoming election, conduct which Smith asserts is an exploitation of Horday's official position.

Investigation determined that in INQ 02-42, former Executive Director Robert Meyers (Meyers) opined that it was not a violation of the Ethics Code for incumbent County Commissioner Dorrin Rolle to use his County budget funds to mail out a newsletter to his constituents highlighting his accomplishments and informing them of issues in the District while he was up for re-election.

Similarly, in INQ 05-157, Meyers provided an opinion to County Commissioner Javier Souto advising him that the fact that he is running for re-election should not discourage him (Souto) from holding his regularly held town hall meetings.

Investigation showed that the "Nostalgic Gazette" newsletter has been distributed by the Plan for many years to keep its members informed of the financial health of the retirement fund, new retirees and obituaries. All prior publications of the Nostalgic Gazette contain a "Message from Your Trustee" section similar to the one complained about by Smith.

Investigation determined that the COLA benefit was provided by a City ordinance in 2006 (#2006-3504). Horday advised that he and several members met with the City Manager and appeared before the Commission with respect to the COLA. An Ordinance approving the request for COLA increases to the pension funds was passed and later amended to reflect the IRS rules regarding COLA.

On November 13, 2019, the Ethics Commission agreed with the recommendation of the Advocate and found there was No Probable Cause to sustain the complaint against Horday and they dismissed the complaint.

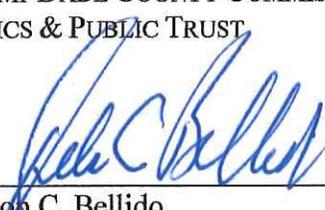
Wherefore it is:

**ORDERED AND ADJUDGED** that COMPLAINT C19-32-08 against Respondent Reinaldo "Ray" Horday is hereby 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 November 2019.

MIAMI-DADE COUNTY COMMISSION ON  
ETHICS & PUBLIC TRUST

By:



Nelson C. Bellido  
Vice-Chairman

Signed on: 11/19/2019