

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



FILE COPY
CLERK OF THE BOARD

2019 DEC 19 AM 11:33

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

In re:
Elizabeth Sewell
_____ /

C 19-43-11

PUBLIC REPORT AND FINAL ORDER

Steven Losner (Losner) filed this complaint against Elizabeth Sewell, City of Homestead City Clerk (Sewell), alleging that Sewell violated the Conflict of Interest and Code of Ethics ordinance by failing to respond to hypothetical questions regarding election procedures.¹

A legally sufficient complaint exists where there are allegations of a violation of an ordinance within the jurisdiction of the Ethics Commission, purportedly committed by an individual within the authority of the Ethics Commission.

The allegation set forth in this complaint does not rise to an action prohibited by the County Ethics Code at Section 2-11.1 or its municipal counterpart at Section 21-37, Homestead City Code. Florida law compels local government officials to comply with public records requests by providing access to records of local government. However, there is no affirmative duty to respond to a hypothetical inquiry or to create a document (e-mail) that would be responsive to that inquiry.²

On December 11, 2019, in closed session, the Ethics Commission's Staff Attorney recommended that the case be dismissed. In open session, the Ethics Commission voted unanimously to find No Legal Sufficiency and dismissed the case.

¹ Losner emailed Sewell asking her about election procedures in the event Councilman Shelley vacated his seat to run for Mayor, a seat also sought by Losner.

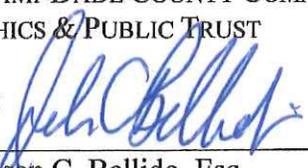
² See generally, *Wooton v. Cook*, 590 So.2d 1039 (Fla. 1st DCA 1991).

Wherefore it is:

ORDERED AND ADJUDGED that COMPLAINT C19-43-11 against Respondent, Elizabeth Sewell is hereby dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on December 11, 2019.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By: 

Nelson C. Bellido, Esq.
Chairman

Signed on this date:

12/14/2019