



## MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

### Summary of Action **Expedited Hearing of October 23, 2018**

An Expedited Hearing was convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on October 23, 2018. Present were Hearing Examiner Judge Victor Tobin. Also present from the Miami-Dade Ethics Commission staff were Jose Arrojo, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Martha Perez, Radia Turay, Staff Attorneys; Legal Intern Luis Polanco; Communications Director Rhonda Victor Sibilia, Investigator Susannah Nesmith; Rachelle Ross, Executive Secretary; Complainant Brent Latham; Respondent Laura Cattabriga and her Attorney J. C. Planas.

#### **Introduction**

Advocate Michael Murawski opened the hearing at 11:12 a.m., explaining that Complaint C 18-39-10 was filed by Brent Latham against Laura Cattabriga – both candidates for mayor in North Bay Village – and wanted the case resolved before the November 6, 2018 election.

#### **Arguments**

Mr. Latham accused the respondent of knowingly violating the Voluntary Fair Campaign Practices Ordinance pledge she signed that required her to avoid malicious untruths, unfounded accusations or personal attacks when she accused him of not living in North Bay Village. He also produced a flyer mailed to all Village voters that alleged Latham is breaking the law by having two Homestead Exemptions, for which he explained is untrue.

Mr. Planas responded that Commissioner Cattabriga's campaign material questioning Latham's residency was based on what she believed and that the flyer alleging Homestead Exemption fraud was produced by an electioneering communications organization and not her campaign.

The discussion went back and forth several times.

Judge Tobin ruled that there was No Legal Sufficiency to the alleged violation of the Citizens' Bill of Rights "Truth in Government" Provision since the question was about campaign material and not public information.

Judge Tobin found No Probable Cause to violations of sections 6, 7, and 8 of the Voluntary Fair Campaign Practices Ordinance.

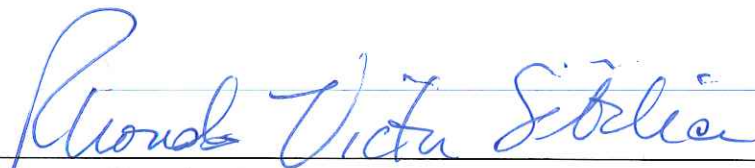
Judge Tobin found Probable Cause to violations of sections 9, 10, and 11 of the ordinance because the residency accusations are a false and misrepresentation of fact. He also ordered Commissioner Cattabriga to disavow the attacks from the third-party as she pledged to do when she signed the ordinance.

Commissioner Cattabriga agreed to disseminate the following statement: "I, Laura Cattabriga, hereby advise voters that I disavow any third-party allegation against my opponent. Voters are to only pay attention to official messages coming from my campaign and are to ignore any third-party advertising. While I had no participation in any third-party advertisement in this election, I have signed the fair campaign practices act, and agree to abide by the

recommendations of the ethics commission hearing officer and will disavow the third-party attack against my opponent.”

**Adjournment**

The hearing concluded at 12:05 p.m.

A handwritten signature in blue ink that reads "Rhonda Victor Sibilia". The signature is written in a cursive style and is positioned above a horizontal line.

Prepared by Rhonda Victor Sibilia, Communications Director