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Ethics Commission dismisses complaints against local elected leaders

The Miami-Dade Commission on Ethics and Public Trust dismissed a complaint (**C18-08-01**) against South Miami Mayor Phillip Stoddard. Mayor Stoddard was in attendance. The Complaint was filed by Steven Cody. Mr. Cody alleged that Mayor Stoddard violated Section (A)(5) of the Miami-Dade Citizens' Bill of Rights (CBR) when he was not permitted to address the City of South Miami Commission on two occasions in 2018.

The dismissal was requested by the Commission's Advocate who noted that transcripts of the January 16, 2018 South Miami Commission meeting revealed that Cody announced he was "going to ask the full Commission to engage in an investigation of the Mayor's abuse" and that this could be perceived as "lobbying" because under the Ethics Code, "lobbying" includes seeking "action" by the Commission. At a second meeting, on February 6, 2018, the Mayor and the City Attorney allowed Mr. Cody to speak for some time, but then stopped his presentation based on an opinion previously issued by the Commission on Ethics. For these and other reasons detailed in the motion to dismiss, the Advocate asserted that he could not prove the matter by clear and convincing evidence.

The Commission found no probable cause in two complaints filed by Palmetto Bay Councilmember David Singer against fellow Councilmember Marsha Matson, who was in attendance (**C19-21-05, C19-24-05**). In both cases, the Commission found that there was no probable cause that Councilmember Matson exploited her public position in her interactions with Village of Palmetto Bay staff.

Likewise, the Commission found no probable cause in three complaints involving the City of Opa-locka. One, filed by Opa Locka Clerk, Johanna Flores, and a second filed by Human Resources Director, Kierra Ward against Opa Locka Mayor Matthew Pigatt (**C19-11-03, and C19-15-04**) Those Complainants alleged that Mayor Pigatt exploited his public position by directing or attempting to direct Opa Locka employees when he has no such authority in a Manager form of government. Investigation by Commission on Ethics Staff revealed that there was no probable cause to support the allegations. The third complaint, (**C19-14-04**) was filed against former Opa-locka City Attorney Vincent Brown by Stephanie Kienzle. Kienzle alleged Brown violated the Ethics Code when he rendered opinions to the State Oversight Board and the City Commission regarding the interpretation of his employment contract. The Ethics Commission found probable cause in this case but dismissed the case and ordered a Letter of Instruction to be issued.

Finally, the Commission dismissed, with prejudice, complaints filed by David Winker, Esq. against City of Miami Mayor Francis Suarez, Commission Chair Ken Russell, Commission Vice Chair Wilfredo Gort, Commissioners Manolo Reyes, Keon Hardeman, and City Manager Emilio Gonzalez (**C18-48-10**). A motion to dismiss filed by the Miami City Attorney's Office noted that the Commission on Ethics had previously concluded after investigation by Commission staff that no probable cause existed that persons alleged to have lobbied the elected officials and the manager, had not engaged in unregistered lobbying.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of training, outreach and enforcement, the Commission seeks to bolster public trust.