

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Minutes of expedited hearing

April 10, 2017

The Miami-Dade Commission on Ethics (COE) convened a special expedited hearing in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on April 10, 2017. Presiding was former Broward County Chief Judge Victor Tobin, serving as Hearing Examiner. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco and Radia Turay, Staff Attorneys; Rhonda Victor Sibilica, Communications Director; Rachelle Ross, Executive Secretary; Nilda Olmo, Karl Ross and Breno Penichet, Investigators; J.C. Planas, Esq.; and Wayne "Chip" Withers, respondent. The meeting was called to order at 10:58 a.m. by Judge Tobin.

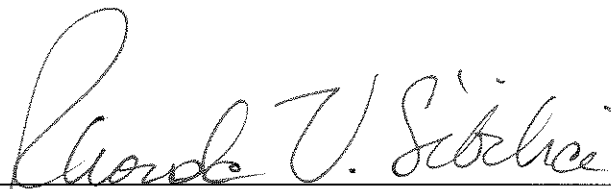
COE Staff Attorney Radia Turay explained that Complaint **C 17-09** was filed by Ralph Cabrera, who was represented by attorney J. C. Planas, and who requested an expedited hearing. Ms. Turay submitted a memorandum to the Hearing Examiner, recommending a finding of No Probable Cause.

Mr. Planas claimed that a flyer mailed to Coral Gables voters on behalf of Coral Gables City Commission Group 3 candidate Wayne "Chip" Withers violated the Voluntary Statement of Fair Campaign Practices. He alleged that it misled voters by the manner in which former Florida International University President Modesto "Mitch" Maidique endorsed the candidate, because his face was superimposed in front of a portion of the university campus, giving the impression that the endorsement was on behalf of a state institution, which is not legally permissible.

Mr. Withers stated that he had absolutely no intention to mislead anyone and explained that the flyer was designed by a relative who used images from the FIU website. Staff investigation found that Mr. Maidique did endorse Mr. Withers and was quoted accurately.

Taking all statements and material into account, Judge Tobin ruled that there was No Probable Cause and dismissed the complaint.

The hearing was adjourned at 11:13 a.m.



Prepared by Rhonda Victor Sibilica, Communications Director