



In Re: Miami-Dade County and  
Commissioner Danielle Cohen-Higgins

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C 22-05-02

### **PUBLIC REPORT AND FINAL ORDER**

Complainants, Gilbert Viera (Viera) and Marcela Gutierrez (Gutierrez), represented by David Winker, Esq., filed this Complaint against Miami-Dade County and Commissioner Danielle Cohen-Higgins. The Complaint alleged that (1) Miami-Dade County violated Section 6 (Right to Notice) of the Citizen's Bill of Rights, by failing to provide notice of a County hearing on Resolution 88-21; and (2) Commissioner Danielle Cohen-Higgins (Cohen-Higgins) violated Section 2-11.1(d) (Voting Conflict) of the Conflict of Interest and Code of Ethics ordinance (County Ethics Code), when she voted on Resolution 88-21 concerning the construction of the 87th Avenue Bridge because there were two other possible sites for the construction of bridges which were in close proximity to her residence that would have negatively impacted her by bringing down her property values.

Legal sufficiency exists where the complaint adequately alleges a violation of an ordinance within the jurisdiction of the Ethics Commission, committed by an individual within the authority of the Ethics Commission, based substantially on the personal knowledge of the complainant and filed with the Ethics Commission within three years of the alleged violation.

Pursuant to the Code of Miami-Dade County at Section 2-1068, the jurisdiction of the Ethics Commission extends "to any *person* required to comply with County or municipal Code of Ethics Ordinances . . ." Therefore, there is no legal sufficiency to the first allegation because the Complaint failed to name any specific individual.

The matters alleged in the second allegation against Cohen-Higgins were based solely on suppositions, possibilities, and speculation, which are insufficient to support a violation. Further,

the facts do not demonstrate a voting conflict on a matter regarding the 87<sup>th</sup> Avenue Bridge in Palmetto Bay.

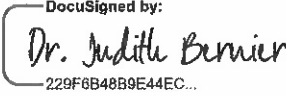
On March 9, 2022, the Ethics Commission voted unanimously and dismissed the Complaint for lack of legal sufficiency.

Wherefore it is:

**ORDERED AND ADJUDGED** that COMPLAINT C 22-05-02 against Respondents Miami-Dade County and Commissioner Danielle Cohen-Higgins is hereby dismissed.

**DONE AND ORDERED** by the Miami-Dade County Commission on Ethics & Public Trust in public session on this 9<sup>th</sup> day of March 2022.

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

By:  Dr. Judith Bernier  
Chair  
3/15/2022  
Signed on: \_\_\_\_\_