

INQ 05-07

Prkic, Christina (COE)

From: Ted Walker [ted@addfire.com]
Sent: Friday, January 28, 2005 3:15 PM
To: Prkic, Christina (COE)
Subject: RE: Mal/misfeasance

Ms. Prkic:

Thank you very much.

Ted Walker

-----Original Message-----

From: Prkic, Christina (COE) [mailto:cprkic@miamidade.gov]
Sent: Friday, January 28, 2005 2:41 PM
To: ted@addfire.com
Subject: FW: Mal/misfeasance

Mayor Walker:

I've reviewed your email with Robert Meyers. The questions you present relate to matters outside our jurisdiction. Laws governing recall elections can be found at this link:

<http://election.dos.state.fl.us/publications/pdf/electionLawsHigh.pdf>

Also, I encourage you to speak with your City Attorney to find out if Biscayne Park's Charter and/or other laws outline recall procedures.

With regard to the definition of malfeasance and misfeasance. The following definitions are courtesy of Black's Law Dictionary. Again, consult with your City Attorney for further information.

Malfeasance: the doing of an act which is wholly wrongful and unlawful
Misfeasance: the improper performance of some act which a person may lawfully do

If you have any additional questions concerning this email, do not hesitate to contact me at the number below.

Sincerely Yours,

Christina Prkic
Staff Attorney
Miami-Dade County Commission on Ethics and Public Trust
P: (305) 350-0615

-----Original Message-----

From: Ethics (COE)
Sent: Thursday, January 27, 2005 4:53 PM
To: Prkic, Christina (COE)
Subject: FW: Mal/misfeasance

Christina,

Do you want to provide him with a response or do you want to talk about it first?

Robert

-----Original Message-----

From: Ted Walker [mailto:ted@addfire.com]
Sent: Wednesday, January 26, 2005 7:58 PM
To: ethics@miamidade.gov
Subject: Mal/misfeasance

Sirs:

I'm looking for a complete definition of malfeasance and misfeasance as they relate to "ethics". Can you Help?

Also, would you line out the process in which a recall may take place. I have a basic understanding, but I need to know from "soup to nuts."

I've read opinions that indicate the recall petition must contain 10% of registered voters for the first round and 15% for the second round and I understand that portion. I believe the accused has 5 days to file a response, but it appears to do nothing functional is done with it. The Clerk is responsible for verifying the petitioners as valid, but cannot determine the truth of false of the accusations. Where do we get to that determination. It appears that the election must be held within 45 days of the filing of the petition...which one, the first or the second?

Please Help

Ted Walker
Mayor, Village of Biscayne Park