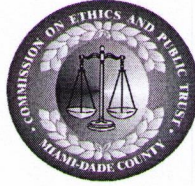


MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K #: 11-029

Date Opened: 2/22/11

Date Closed: 9/28/11

Name of Investigator: Manuel W. Diaz

Allegation:

The WatchDog Report (www.watchdogreport.net), a South Florida Blog, ran an article in its February 21, 2011, edition concerning the City of South Miami (the City) Mayor's annual address on the State of the City (the event). The blog advised that the City charged for attendance to the event. An investigation was initiated to determine if the practice of charging members of the public admission to attend the event was appropriate, and if anyone was precluded from the event, because they did not purchase seating.

Investigation:

The article from the WatchDog was obtained and made part of the file. The article questions the charging of a fee to attend what should be considered a public event.

Interviews:

Philip Stoddard, Mayor of South Miami

According to Stoddard, it is the responsibility of the Mayor

to give the State of the City address annually. He was not involved in the preparations for the event. He does not know where any surplus revenue generated by the event went. He assumes that any proceeds from the event were donated to a charity. As Mayor, Stoddard was provided with five (5) tickets to the event, which he distributed to family and friends.

Stoddard knows the blog editor and believes that the editor may have written about the event because he did not receive a free ticket. Stoddard recommended that the City's Finance Director be contacted for additional information.

Roger Carlton, Former City Manger of South Miami

Carlton advised that during his tenure as City Manger, the City solicited contributions for the event. The City also sold tickets for the event. Those who purchased tickets were provided food and beverages. Any monies generated were used to off-set the cost of the event to the City. He believes that the City made some profit from the event, but it was a minor amount. He is not sure where any excess proceeds went. He suggested that the COE contact the City's Finance Director for specifics.

Hector Mirable, City of South Miami Manger

Mirable advised that his staff was involved in the preparations for the event. The event was held at the Benevolent and Protective Order of Elks (BPOE) hall in the City. Like Carlton, Mirable advised that the City solicited contributions and sold tickets for the event. Any proceeds above the cost for the event were deposited into the City's General Fund.

Mirable advised that the City held a small reception prior to the event. The reception was open to the public and there was no charge. When it came time for the

Mayor's address, all who attended the reception were invited to hear the Mayor speak. Many of those who attended the reception occupied seats intended for those who had purchased seating for the event. The result is that many of those who purchased seating and expected to be seated and provided a meal, lost their seating and were unable to eat. Regardless, Mirable emphasized that no one was excluded and everyone who attended the reception and chose to remain for the event had the opportunity to hear the Mayor's address.

A COE subpoena was issued for financial documents and any internal documents concerning the event. In response, the City provided a CD containing e-mails. The e-mails were reviewed. No valuable information was contained in the emails. (The CD has been made part of the investigative file.)

A public records request was made to the City's finance director. In an e-mail to Mirable, he advised that the City profited \$660.00 from the event and the proceeds had been place into the City's General Fund.

Conclusion:

The investigation did not reveal any violation of the Miami-Dade County Code of Ethics and Conflict of Interest Ordinance. Accordingly, this investigation is closed with no further action. It is highly recommended however that the City reconsider the practice of charging anyone to attend the Mayor's annual State of the City address. The City's own Charter provides that "[t]his government has been created to protect the governed, not the governing... to provide the public with full and accurate information...and to provide convenient access [to citizens].

Clearly, the City's practice created, at least in the minds of some, that the City was charging a fee for access to what should be a speech open to the public. If the City

wishes to incorporate a separate opportunity for attendees to partake of food and refreshments at the cost of the individual after the Mayor's speech, they should seriously consider hosting such a function at a separate location from where the speech is given. This would help to separate and better define the "public" portion of the Mayor's speech from the "private function" portion of the after party.