



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigators: Manuel W. Diaz

Case No.: K14-010/ C14-012	Case Name: Miami Gardens traffic ticket	Date Open:	Date Closed:
Complainant(s): Michael Walker	Subject(s): Mario Bataille	1/28/14	2/6/14

Allegation(s):

Michael L. Walker (Walker) filed Ethics Complaint C14-012. He received traffic citation for a red-light violation in Miami Gardens. Walker appealed the traffic citation and a hearing was scheduled on December 17, 2013, before a Miami Gardens Local Hearing Officer. (LHO)

In the Complaint, Walker stated that during the hearing, he asked several times about the cameras. Walker also stated that he wanted the case moved to circuit court. In response to his questions about the cameras and his request to have his case moved to circuit court, the Deputy Clerk for the City of Miami Gardens told him, "Just because it is you, I am going to add \$400.00 to the \$300.00 you owe for the ticket."

In a written attachment to the complaint Walker identifies Mario Bataille (Bataille) as the Deputy Clerk who said he was going to add the \$400.00. In the Complaint, Walker questions why the additional \$400.00 was added to the fine.

The complaint was sworn to on January 21, 2014 and submitted to the COE on January 24, 2014.

Relevant Ordinances:

Miami Dade County Conflict of Interest and Code of Ethics Ordinance Sec 2-11.1

(g) Exploitation of official position prohibited.

No person included in the terms defined in Subsections (b) (1) through (6) and (b) (13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or her or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

Michael Walker

FSS 837.02 - Perjury in an Official Proceeding. Statements by Walker.

Investigation:

Interviews

Mario Bataille - Deputy Clerk City of Miami Gardens.

Bataille was interviewed via telephone and was informed as to Walker's complaint.

Bataille stated that he has never met or spoken to Walker outside of the traffic appeal hearing. Bataille explained that the only time that he has addressed Walker was to call his name to come forward for the hearing. After Walker came to forward, the Police Officer who issued the citation presented the evidence obtained through the use of the red light camera to the LHO. After the officer's presentation, the LHO determined that Walker was guilty for the traffic violation. The LHO then addressed Walker advising him that he could appeal the LHO's decision to the circuit court.

Bataille denied that he said to Walker, "Just because, it is you I'am going to add \$400.00 to the \$300.00 you already owe for the ticket."

Michael L Walker

Walker was interviewed via telephone. He confirmed the allegations directed toward Bataille in the complaint.

He was asked about the statement he attributed to the Bataille during the hearing, "Just because, it is you I'am going to add \$400.00 to the \$300.00 you already owe for the ticket." Walker confirmed the exact wording of Bataille's statement. He advised that there were

others present during the hearing. He was not aware if the hearing was recorded.

Walker was asked if he received the impression that Bataille had made the statement as a threat, or because Bataille wanted anything in return. Walker stated the Bataille never gave this impression. Walker thought the amount was abusive amount and wanted to know why he was being accessed the additional money.

Walker provided the COE with a copy of the Administrative Hearing Notification Letter and Final Administrative Order Violation Upheld that he received from Miami Gardens.

Documents reviewed.

Documents provided by Walker to support the complaint.

Administrative Hearing Notification Letter

The letter notifies Walker of the citation, the fine for the violation and that he may appeal the citation before a Local Hearing Officer. The letter also advised if Walker is not successful in his appeal, administrative costs up to \$250.00 may be imposed.

Final Administrative Order Violation Upheld

The Order advises Walker that the citation was upheld by the Local Hearing Officer and that he must pay the cost of the ticket and an administrative fine.

Documents Provided by the City of Miami Gardens

Administrative Hearing Notification Letter

Letter to Walker previously described.

Notice of Violation sent to Walker

The Notice explains the violation.

Hearing Request Form

The form explains the options available to Walker and provides a detachable portion where Walker can appeal the citation.

Hearing Request

A portion of the previously referred to Hearing Request Form which indicates that Walker requests an appeal.

Final Administrative Order Violation Upheld

Form previously described.

Other supporting documentation for the citation.

Audio Recording of Hearing of December 17, 2013

The audio recording of Walker's December 17, 2013 citation appeal hearing was reviewed.

At the beginning of the recording, Bataille is heard to call the case number 0891300555731 and Walker's name. Following, a Police Officer, representing Miami Gardens, presents the evidence. Walker is heard acknowledging that, it his (license) tag number.

The LHO makes his determination and explains that further options available to Walker. The LHO advises him that an appeal to the Circuit Court may cost in excess of \$400.00, plus the fines that he already owes. The LHO then asks if Walker understands. Walker responds with "yea, yea, I know what I am doing."

Clerk of the Courts of Miami Dade County - Fee Schedule (Copy in File)

The fee schedule indicates that the filing fee is \$401.00.

Conclusions:

The instant investigation is closed and has been turned over to the Advocate for probable cause determination.