



## Miami-Dade Commission on Ethics & Public Trust

### Investigative Report

**Investigator: Robert Steinback**

<b>Case PII7-017-</b>	<b>Case Name: Neuhut III</b>	<b><u>Date Open: March</u> <u>23, 2017</u></b>	<b><u>Date Closed:</u></b>
<b>Complainant(s): Frances Neuhut</b>	<b>Subject(s): Marlene Siegel</b>	<b>CASE CLOSED</b>	

#### Allegation(s):

In an e-mail to the Miami-Dade Commission on Ethics (COE), ~~Bay Harbor Islands (BHI)~~ resident Frances Neuhut (Neuhut) asked for an investigation into the following [reprinted as received]:

“Dear Mr. Centorino (M-D Ethics & Public Trust Executive Director),

After emailing the following to the Vice Mayor/‘Incumbent,’ it appears the ‘due process’ of the Town providing ‘Public Broadcasting’ of Channel (77), and Channel (88), especially to the elderly during our (04-04-2017) Town Election, has allegedly now become a possible ‘ethical’ question:

- 1). Removal of (BHI) Public Broadcasting of Channel (77) without Public Notice?
- 2). The Public Broadcasting of a ‘defective’ Channel (88) that cannot be heard, and is not being ‘corrected’ within a reasonable amount of time (during BHI's (04-04-2017) Town Election)?

It also appears the majority vote council is allegedly trying to avoid showing this particular (03-13-2017) Town Council Meeting during the (04-04-2017) Town Election due to your attendance and discussion on the following subject matter (Agenda #3):  
‘establishing a Servant Honor Code for elected and appointed public officials...?’

Thank you for looking into this matter (especially during a (BHI) Town Election).

Very truly yours,  
Frances Neuhut”

**Relevant Ordinances:**

Complainant presumably alleges violation of Citizens' Bill of Rights Sec. A (3): *Public Records. All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public.*

**Investigation:**

*Interviews*

It was determined by legal staff that the only aspect of Neuhut's letter that potentially fell within the jurisdiction of COE is the following: *"It also appears the majority vote council is allegedly trying to avoid showing this particular (03-13-2017) Town Council Meeting during the (04-04-2017) Town Election..."* As such, this is the only matter considered by the investigator. He did ask BHI Town Clerk Marlene Seigel (Seigel) about other matters referenced in Neuhut's letter, the reply to which follows.

The investigator contacted BHI Town Clerk Marlene Siegel on the matters raised by Neuhut. On Tuesday, March 28, 2017, Siegel replied,

"Mr. Steinback,

I will have Alba [Chang, Deputy Town Clerk] forward you the email she sent to Mrs. Neuhut after she complained initially. There were no delays in posting the meeting and it was fine when we checked. Channel 77 is an analog channel that is eventually going away. Channel 88 is a digital Channel where everything is being broadcast. However, we have just been informed by the cable company that you need a cable box to view it. This just happened yesterday and it is unrelated to Mrs. Neuhut's complaint. I will also forward you our IT department's email regarding this issue. We are trying to get a notice from the cable company to post on our website and let people who don't have a cable box (digital box) know that they need one to view the channel.

We are transmitting the video, audio on the TV channel as usual. There have been no technical difficulties on our part, nor have we received complaints by anyone other than Mrs. Neuhut.

Marlene M. Siegel  
Town Clerk/Director of Code Compliance  
Town of Bay Harbor Islands"

On March 17, 2017, Deputy Town Clerk Alba Chang sent the following e-mail to Neuhut:

“Mrs. Neuhut,

I tuned in to watch the Channel and there are no technical or audio problems. See video attach.

Alba L. Chang, CMC  
Deputy Town Clerk  
Town Of Bay Harbor Islands”  
END CHANG

The attached video was a three-second video of an actual television screen upon which a video of the March 13, 2017 BHI Town Council meeting was airing, with clearly adequate volume.

***Document/Audio/Video Review:***

(Description of item reviewed including date)  
Summary of findings

(Description of item reviewed including date)  
Summary of findings

(Description of item reviewed including date)  
Summary of findings

**Conclusion(s):**

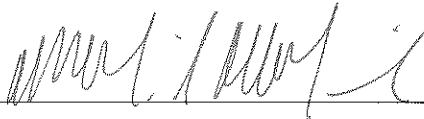
After discussion with the Ethics Commission Advocate it was determined that there was insufficient evidence of any ethics violations being committed as presumably alleged by complainant, accordingly, this matter is closed with no further action.

(Signature)

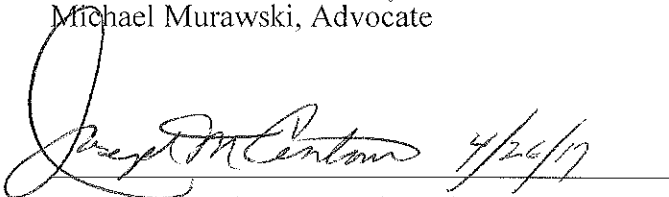


Robert Steinback, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director