

CLERK OF THE BOARD

2006 FEB -1 PM 12:16

CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1



**FILE COPY**

**MIAMI-DADE COUNTY  
COMMISSION ON  
ETHICS & PUBLIC TRUST**

**In re: Johnny Winton, Tomas Regalado, Joe  
Sanchez, Angel Gonzales, and Joe Arriola**

---

**C 06-04**

**PUBLIC REPORT AND FINAL ORDER**

A citizen filed the above-mentioned Complaint against Johnny Winton, Tomas Regalado, Joe Sanchez, Angel Gonzales, and Joe Arriola ["Respondents"]. Respondents Winton, Regalado, Sanchez, and Gonzales are City of Miami commission members. Respondent Arriola is the City of Miami city manager. The Complainant alleged a violation of the Citizens' Bill of Rights of the Home Rule Amendment to the Florida Constitution 1885, Article VIII, which states in pertinent part the following:

**(A) 5. Right to be Heard.** So far as the orderly conduct of public business permits, any interested person has the right to appear before the Commission or any municipal council ... provided, nothing herein shall prohibit the Commission or any municipal council from referring a matter to a committee of each of their respective bodies to conduct a public hearing, unless prohibited by law.... Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits for the presentation of a matter.

Specifically, the Complainant alleges that he attempted to speak during the public comments session of the City of Miami Commission Meeting on December 15, 2005, but was not heard or was not heard to his satisfaction.

Pursuant to the Code of Miami-Dade County, Section 2-1072(b), the Commission on Ethics & Public Trust is empowered to “review, interpret, and render advisory opinions regarding the applicability of the Citizens’ Bill of Rights”—but not to enforce the Citizens’ Bill of Rights through the Complaint process. Consequently, even if the allegations are true, the Commission on Ethics & Public Trust is not empowered to enforce the Citizens’ Bill of Rights.

On January 26, 2006, the Ethics Commission found that the Complaint was not legally sufficient because the Ethics Commission lacks authority to enforce the Citizens’ Bill of Rights.

Therefore it is:

**ORDERED AND ADJUDGED THAT** the Complaint is hereby dismissed for lack of legal sufficiency.

**DONE AND ORDERED** by the Miami-Dade County Commission on Ethics & Public Trust in public session on January 26, 2006.

MIAMI-DADE COUNTY COMMISSION ON  
ETHICS & PUBLIC TRUST

By:



Kerry E. Rosenthal, Esq.  
Chairman