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MIAMI-DADE COUNTY  
COMMISSION ON ETHICS & PUBLIC TRUST

In re: **DENIS NEUHUT**

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C 08-01

**PUBLIC REPORT AND FINAL DISMISSAL ORDER**

COMPLAINANT Ileene S. Wallace filed the above-referenced COMPLAINT against RESPONDENT Denis Neuhut. Both the COMPLAINANT and RESPONDENT are residents of the Town of Bay Harbor Islands. The COMPLAINT alleges that the RESPONDENT violated the Miami-Dade County Mandatory Fair Campaign Practices Ordinance and/or the Voluntary Statement of Fair Campaign Practices Ordinance. The specific behavior about which Ms. Wallace complained involved distribution of what appeared to be campaign literature by the RESPONDENT's wife on January 29, 2008, approximately two and a half weeks prior to the qualifying date for candidates participating in the town election.

Pursuant to the Code of Miami-Dade County, Section 2-1068 and Section 2-11.1.1 (B), the Commission on Ethics & Public Trust has jurisdiction to enforce the Ethical Fair Campaign Practices Ordinances at Section 2-11.1.1. In pertinent part, Subsection 2-11.1.1 (A) defines the applicability of the Campaign Practices Ordinances to candidates and their respective campaign staffs for any municipal office within Miami-Dade County. In this Subsection, a "Candidate" is defined as any person to whom any one or more of the following applies: (1) receives contributions or makes expenditures in furtherance of his campaign, (2) appoints a treasurer and designates a primary depository for his campaign funds, and (3) files qualification papers for local office.

On January 29, 2008, Ethics Commission investigators determined that the literature Mrs. Neuhut was distributing had been purchased for an earlier campaign, based on the date of "April 17." They also confirmed that no solicitations for, or acceptance of, campaign funds had taken place. Additionally, none of the other aforementioned actions occurred that would identify Dr. Neuhut as a candidate. Consequently, the Ethics Commission has no authority to enforce violations under the Voluntary Fair Campaign Practices Ordinance against those who are not candidates and respective staffs.

On March 26, 2008, the Commission on Ethics found the above-referenced COMPLAINT to be legally insufficient, based on lack of jurisdiction, and the COMPLAINT was dismissed.

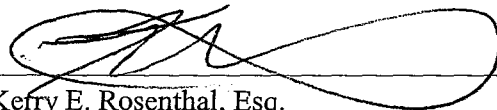
Therefore it is:

**ORDERED AND ADJUDGED THAT** the COMPLAINT is hereby DISMISSED.

**DONE AND ORDERED** by the Miami-Dade County Commission on Ethics & Public Trust in public session on March 26, 2008.

MIAMI-DADE COUNTY COMMISSION ON  
ETHICS & PUBLIC TRUST

By:



Kerry E. Rosenthal, Esq.  
Chairman