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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Mary Ann Puig/

Case No: 08-09

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

Susan Root filed the above-captioned complaint against Mary Ann Puig ("Respondent"), Acting Assistant Director of the Corrections and Rehabilitation Department, for violation of Section 2-11.1(g) (misuse of official position) and 2.58.28.17 (whistleblower retaliation). The complaint alleged the Respondent improperly denied Root's outside employment request.

Root operated African Village Gifts on nights and weekends. Root had previously received approval for the outside employment from her supervisors. In 2008, the Respondent denied Root's request for the outside employment. According to the request form, the request was denied until the Respondent had completed six months in her current assignment and an interim evaluation had been conducted. The Respondent also considered Root's disciplinary history in denying the request.

On May 29, 2008, the Ethics Commission found the complaint legally insufficient because Section 2-11.1(g) provides that "no person...shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others." Section 2-11 provides that a department may deny a request for outside employment if the department determines that the outside employment is contrary, detrimental or adverse to the interests of the County or the department. Under this standard, the complaint fails to state a cause of action for violation of Section 2-11.1(g) because the allegations do not state that the Respondent's actions were an attempt to secure special privileges for herself or others.

The complaint is also legally insufficient for a violation of Section 2-56.28.17 because the Ethics Commission has previously found that Root's allegations (See Complaint 08-07) fail to meet the requirements for whistleblower protection.


Thereafter, after reviewing the complaint and being otherwise advised in the premises, the Ethics Commission ordered the complaint dismissed. Therefore it is:

ORDERED AND ADJUDGED THAT the Complaint is **DISMISSED** for failure to state a possible violation of an ordinance under the Ethics Commission's jurisdiction.

DONE AND ORDERED by the Miami-Dade Commission on
Ethics and Public Trust in public session on May 29, 2008.

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

By:



Kerry Rosenthal

Chairperson

cc: Assistant Director Mary Ann Puig, Department of
Corrections and Rehabilitation
Susan Root