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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Lt. Edgar Nieves /

Case No. 08-24

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

Walter Clark filed the above captioned complaint against Lt. Edgar Nieves ("Respondent") for violation of Section 2-11.1(g) (misuse of official position). The complaint alleged the Respondent improperly solicited memberships for a fraternal organization and endorsed State Attorney Katherine Fernandez Rundle.

The Respondent is President of the United Correctional Officers Federation (UCOF). The complaint alleged the Respondent solicited membership applications from Officer Alejandro Munoz and Officer Zebrina Jones while the officers were on duty. The complaint also alleged the United Correctional Officer Federation (UCOF) endorsed State Attorney Katherine Fernandez Rundle. The Respondent signed the endorsement letter on behalf of UCOF.

On October 30, 2008, the Ethics Commission found the complaint legally insufficient because the solicitation issue is a personnel matter outside of the Ethics Commission's jurisdiction. The Ethics Commission also found that county employees are permitted to endorse candidates for office. Accordingly, 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.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics and Public Trust in public session on October 30, 2008.

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

By: 

Kerry Rosenthal
Chairperson

**cc: Terri Guttman Valdes, Attorney for Respondent
Walter Clark**