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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

IN RE: RAUL MARTINEZ, SR.

C 08-26, -27, -28

PUBLIC REPORT & FINAL ORDER

Private citizens Charles Ferrante, Michael Ferrante, and Antonio Garrandes filed separate, identical COMPLAINTS, combined and referenced above, against RAUL MARTINEZ, a private citizen and former mayor of the City of Hialeah. The COMPLAINTS alleged that MR. MARTINEZ lobbied one or more local government officials without registering as a lobbyist.

An investigation into the allegations identified one occurrence of possible lobbying by the RESPONDENT. MR. MARTINEZ is part owner and, therefore, a "principal" of CITY OUTDOOR FLORIDA, a mural company. In that capacity, he discussed legislation regarding outdoor murals with a City of Miami Commissioner at around the time of a public meeting on September 11, 2008, when related legislation was on the agenda.

Section 2-654 of the City of Miami Code does not include principals in the definition of lobbyists. A legal opinion by the City Attorney for the City of Miami¹ superseded the city's lobbying law to include principals, but that opinion has not been posted prominently enough to give principals sufficient notice of their inclusion within the definition.

Pursuant to the Code of Miami-Dade County, Article LXXVI, Section 2-1068, the Commission on Ethics & Public Trust has jurisdiction to enforce the above-referenced ordinance.

¹ MIA 05-002 (Mar. 16, 2005).

On December 3, 2008, the Commission on Ethics found the COMPLAINT to be legally sufficient. On January 29, 2009, at the ADVOCATE's recommendation, the Ethics Commission dismissed the COMPLAINT for lack of probable cause. Additionally, the Ethics Commission requested that a letter be sent to the City Attorney for the City of Miami recommending the city's definition of lobbyist be clarified.

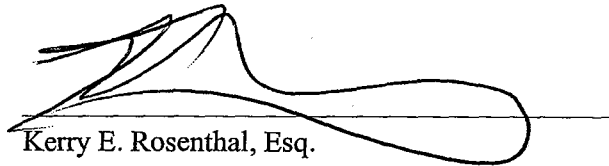
Therefore it is:

ORDERED AND ADJUDGED THAT the above-referenced COMPLAINTS are dismissed for lack of probable cause.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on January 29, 2009.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:

A handwritten signature in black ink, appearing to read "Kerry E. Rosenthal", written over a horizontal line.

Kerry E. Rosenthal, Esq.
Chairman