



**FILE COPY**

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

**In re: HOWARD WEINBERG**

---

**C 09-34**

**PUBLIC REPORT AND FINAL DISMISSAL ORDER**

Joseph Graubart, a private citizen, filed the above-referenced COMPLAINT against RESPONDENT Howard Weinberg, a Commissioner in the Town of Surfside. The COMPLAINT alleged that RESPONDENT violated the Town of Surfside Charter and the County Ethics Code at § 2-11.1 (g), *Prohibition on exploitation of official position*. Specifically, the COMPLAINT alleged that RESPONDENT accepted \$500 per month in expense reimbursements from the Town of Surfside from approximately 2006 through 2009. Additionally, the Complainant asserted that the Commissioner was reimbursed for other expenses, such as those associated with attending a Florida Bar course titled "City, County and Local Government Law Certification Review Course 2007."

Pursuant to the Code of Miami-Dade County, § 2-1068, the jurisdiction of the Ethics Commission extends "to any person required to comply with the ... County or municipal Code of Ethics Ordinances." The Ethics Commission has no jurisdiction to enforce municipal charters.

CLERK OF THE BOARD  
2010 FEB -5 PM 3:41  
CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

An investigation by the Ethics Commission staff revealed that, during the time in question, various resolutions passed by the Town of Surfside Commission provided a \$500 monthly expense stipend to all Commissioners who chose to accept it. Similarly, additional expense reimbursement was allowable if approved by the Town Manager. The Town Manager stated to an Ethics Commission investigator that all of Commissioner Weinberg's expenses were approved because they were deemed to be associated with conducting Town business.

Since the facts presented did not point to any actions prohibited by the Ethics Code, the Ethics Commission DISMISSED the COMPLAINT on January 21, 2010, due to lack of legal sufficiency. Interrelated issues prohibited by the municipal charter were dismissed for lack of jurisdiction.

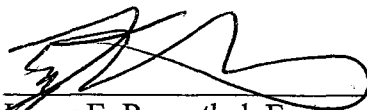
Therefore it is:

**ORDERED AND ADJUDGED THAT** the COMPLAINT against  
RESPONDENT Howard Weinberg is hereby DISMISSED.

**DONE AND ORDERED** by the Miami-Dade County Commission on Ethics &  
Public Trust in public session on January 21, 2010.

MIAMI-DADE COUNTY COMMISSION ON ETHICS  
& PUBLIC TRUST

By:



Kerry E. Rosenthal, Esq.  
Chairman

Signed on this date: 2/3/10