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

In re: PHILLIP B. EVERINGHAM

C 09-35

PUBLIC REPORT AND DISMISSAL ORDER

The Assistant Advocate for the Commission on Ethics filed the above-referenced COMPLAINT on December 21, 2009, against RESPONDENT Phillip B. Everingham, a member of the City of Miami Waterfront Advisory Board. The COMPLAINT alleged that Mr. Everingham violated Sec. 2-11.1(i)(1) of the County Ethics Code when he failed to file a financial disclosure form for the year 2007.

Pursuant to the Code of Miami-Dade County, Sec. 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 County Ethics Code at Sec. 2-11.1 (i)(1), *Financial disclosure*, states that municipal advisory board members must file by July 1st of each year "an itemized source of income statement, under oath and on a form approved by the County for said purpose."

On January 28, 2010, the Ethics Commission staff found the COMPLAINT to be LEGALLY SUFFICIENT based on documentation presented by the City Clerk for the City of Miami. On February 25, 2010, the Ethics Commission found PROBABLE CAUSE existed to charge RESPONDENT with failure to file financial disclosure for 2007. Subsequently, the Ethics Commission staff made numerous attempts to contact RESPONDENT to advise him of the COMPLAINT against him and of the financial disclosure requirement associated with board

service. In April 2010, RESPONDENT was successfully noticed and immediately thereafter filed an income statement for 2007.

On May 19, 2010, the Ethics Commission granted the Assistant Advocate's MOTION TO VOLUNTARILY DISMISS the COMPLAINT. Sec. 2-1074 (s) of the County Code states that the Ethics Commission may, at its discretion, "... dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further...." Since RESPONDENT complied with the financial disclosure requirement associated with board service, the Ethics Commission reasoned that the public would not be served in continuing with this matter.

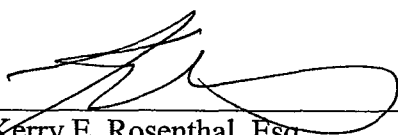
Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against RESPONDENT Phillip B. Everingham is hereby DISMISSED.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on May 19, 2010.

MIAMI-DADE COUNTY COMMISSION ON ETHICS
& PUBLIC TRUST

By:



Kerry E. Rosenthal, Esq.
Chairman

Signed on this date: May 20, 2010