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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: KEVIN BURNS /

C 09-38

PUBLIC REPORT AND FINAL DISMISSAL ORDER

COMPLAINANT, David Leven, a private citizen, filed the above-referenced COMPLAINT against Kevin Burns, former Mayor of the City of North Miami.

The COMPLAINT alleged violations of the City of North Miami Ethics Code at § 2-310 (q)(1) and a comparable prohibition found in the County Ethics Code at § 2-11.1 (q)(1)—
Continuing application [of ethics code] for two years after [municipal] service. The COMPLAINANT contended that, following Mayor Burn's departure from public office in North Miami in June 2009, he attended City meetings and lobbied several City employees in the City of North Miami in an effort to obtain a City contract for a local business.

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." Section 2-11.1 (q)(1) of the County Ethics Code states,

No person who has served as an elected [municipal] official ... shall, for a period of two years after his or her [municipal] service ... has ceased, lobby any [municipal] officer, departmental personnel or employee in connection with any ... subject matter in which [the municipality] or one of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect.

On January 4, 2010, the Ethics Commission staff found the COMPLAINT to be LEGALLY SUFFICIENT. On February 25, 2010, in closed session, the Ethics Commission considered PROBABLE CAUSE. Although an Ethics Commission investigation found that the RESPONDENT had attended meetings with City staff and representatives of the local business following his departure from public office, RESPONDENT proffered that he was merely advising the City on how to encourage the local business, which employed a number of residents in the community, to remain in the City and not relocate to another County.

On February 25, 2010, the Ethics Commission granted RESPONDENT'S MOTION TO DISMISS for LACK OF PROBABLE CAUSE based on the information proffered.

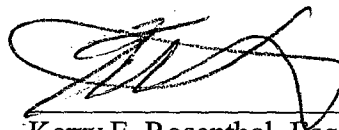
Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against RESPONDENT Kevin Burns is hereby DISMISSED.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on February 25, 2010.

MIAMI-DADE COUNTY COMMISSION ON ETHICS
& PUBLIC TRUST

By:



Kerry E. Rosenthal, Esq.
Chairman

Signed on this date: 3/18/10