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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

**In re: CERTAIN CURRENT AND FORMER
BAL HARBOUR ELECTED OFFICIALS,
EMPLOYEES, AND CITY ATTORNEYS**

C 10-01

PUBLIC REPORT AND FINAL DISMISSAL ORDER

COMPLAINANT Anamarie Kelly Stoppa, a private citizen, filed the above-referenced COMPLAINT against RESPONDENTS, former and current elected officials, employees, and city attorneys in the Village of Bal Harbour.

The named Respondents include the following:

Berlin, Howard; Former Mayor	Nieda, Daniel; Building Dept. Official
Blacher, Joni; Current Assistant Mayor	Packer, Martin; Current Councilman
Cohen, Patricia; Current Councilwoman	Popok, Michael; Village Attorney
Diaz, Maria; Building Dept. Employee	Rosenfield, Jean; Current Mayor
Gonzales, Douglas; Village Attorney	Sanz, Jaime; Current Councilman
Jacobi, Joel; Former Councilman	Weiss, Richard; Village Attorney

The COMPLAINT contended that RESPONDENTS violated the Village Election Code and the County Ethics Code at § 2-11.1 (g), *Prohibition on exploitation of official position*. Specifically, the COMPLAINT alleged impropriety regarding assessments imposed on homeowners in the Village; building permits issued to the current owner of a home at 77 Camden Drive, Bal Harbour, FL 33154; a title commitment written on this same property; and the residency of a current Councilwoman, Patricia Cohen. The first three allegations are connected to a 2005 Judgment in the Circuit Court of Miami-Dade County ordering the COMPLAINANT to convey the home at 77 Camden Drive to the current owner.

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 the Village of Bal Harbour Election Code.

Because the first three allegations did not point to any violations of the County Ethics Code, the Ethics Commission DISMISSED the COMPLAINT on January 21, 2010, due to lack of legal sufficiency. The fourth allegation was dismissed for lack of jurisdiction.

Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against CERTAIN BAL HARBOUR RESPONDENTS, named above, 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