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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

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In re: HORACE FELIU /

C 10-02

PUBLIC REPORT AND FINAL DISMISSAL ORDER

COMPLAINANT, Philip Stoddard, the current Mayor of South Miami, filed this COMPLAINT as a citizen on January 6, 2010. Mr. Stoddard alleged ethics violations against RESPONDENT Horace Felu, who at the time was the incumbent candidate for Mayor in the February 9, 2010, general election.¹

The COMPLAINT contended that Mayor Felu violated the City of South Miami Code at § 8A-2.1 (a), *Code of conduct for all elected officials and board members. Declaration of policy*, with his remarks before a Florida Public Service Commission Hearing on January 9, 2008. Mayor Felu was alleged to have misrepresented the views of the city and/or the citizens when he spoke about a proposal to build two nuclear reactors at Turkey Point.

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 South Miami Ethics Code at § 8A-2.1 (a) states in relevant part, "... The proper operation of democratic government requires that public officials be independent and impartial when establishing policy and that their positions never be used for personal gain."

¹ Mr. Stoddard defeated Mr. Felu in that mayoral election.

In closed session on February 25, 2010, the RESPONDENT proffered that two years prior to his appearance before the Public Service Commission Hearing, the City had taken an official stand supporting the use of alternative fuel sources.²

On February 25, 2010, the Ethics Commission granted RESPONDENT'S MOTION TO DISMISS for LACK OF PROBABLE CAUSE based on the information proffered, the ambiguity associated with the offense, and the ill-timed filing of the COMPLAINT—immediately prior to an election but two years after the alleged incident had occurred.

Therefore it is:

ORDERED AND ADJUDGED THAT this COMPLAINT against RESPONDENT Horace Feliu 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: 3/8/10

² City of South Miami Resolution 146-06-12287, Aug. 16, 2006.