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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: MARC SARNOFF /

C 10-12

PUBLIC REPORT AND FINAL DISMISSAL ORDER

COMPLAINANT, Cornelius Shiver, a private citizen, filed the above-referenced COMPLAINT on March 1, 2010, alleging a *Jennings* rule¹ violation and possible ethics violations involving RESPONDENT Marc Sarnoff, a City Commissioner in the City of Miami.

The COMPLAINT contended that Commissioner Sarnoff violated the *Jennings* rule when he met with Joe Arriola, the former City Manager in the City of Miami, and Jorge Perez, the President of Related Group, sometime after November 21, 2006, and before January 25, 2007. The COMPLAINT further implied that Commissioner Sarnoff's subsequent votes on a Related Group project were tainted, based on this meeting with Messrs. Arriola and Perez.² If true, some actions might violate the voting restrictions imposed by the Miami-Dade Ethics Code at Sec. 2-11.1(d) and/or the prohibition against exploiting one's official position at Sec. 2-11.1(g).

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 authority to enforce the *Jennings* rule.

¹ *Jennings v. Dade Co.*, 589 So.2d 1337 (Fla. 3rd DCA 1991), *review denied* 598 So.2d 75 (Fla. 1992), prohibits *ex parte* communications in quasi-judicial hearings unless the communication is disclosed.

² On January 25, 2007, the City of Miami Commissioners heard, for the first time, height and density issues associated with a building project proposed by the Related Group adjacent to Mercy Hospital.

Regarding allegations of a meeting, the Ethics Commission lacks authority to enforce the *Jennings* rule. Additionally, these charges are time-barred because the asserted meeting took place over three years ago, sometime before January 25, 2007. Regarding other implied allegations about Commissioner Sarnoff's subsequent votes, no evidence was provided to suggest that the Commissioner's votes were tainted by the above-mentioned meeting or that he used or attempted to use his official position to secure special privileges or exemptions for himself or others.

Because certain alleged behavior did not fall within an ordinance within the jurisdiction of the Ethics Commission and was also time-barred and other allegations did not point to actions that violate the County Ethics Ordinance, the Ethics Commission **DISMISSED** the **COMPLAINT** on March 18, 2010, due to **LACK OF LEGAL SUFFICIENCY**.

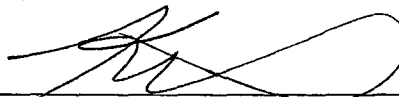
Therefore it is:

ORDERED AND ADJUDGED THAT the **COMPLAINT** against **RESPONDENT** Marc Sarnoff is hereby **DISMISSED**.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on March 18, 2010.

MIAMI-DADE COUNTY COMMISSION ON ETHICS
& PUBLIC TRUST

By:



Kerry E. Rosenthal, Esq.
Chairman

Signed on this date: March 26, 2010