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

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CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
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In re: CHRISTOPHER R. MAZZELLA

PUBLIC REPORT AND FINAL DISMISSAL ORDER

COMPLAINANT, John Rivera, a County employee and President of the Dade County Police Benevolent Association (PBA), filed the above-referenced COMPLAINT on July 26, 2010, alleging that RESPONDENT Christopher R. Mazzella violated Sections 2-11.1(g), (j), and (k) of the County Ethics Code when he engaged in outside employment and related activities as a part-time professional singer with "We 2 Duets." RESPONDENT is a Miami-Dade County employee who serves as Inspector General.

Pursuant to the Code of Miami-Dade County, Sec. 2-1068 and Sec. 2-11.1 (s)(9), the Commission on Ethics & Public Trust has jurisdiction to enforce the County Conflict of Interest & Code of Ethics Ordinance against County employees.

The COMPLAINT contained four counts.

Count 1 was found to be LEGALLY SUFFICIENT by the Ethics Commission staff. This count alleged that Mr. Mazzella exploited his official position by stating in his biography on the "We 2 Duets" website that he is the Miami-Dade County Inspector General. If true, this activity would violate the County Code at Sec. 2-11.1 (g). In public session on August 31, 2010, the ADVOCATE for the Ethics Commission moved that Count 1 be dismissed for LACK OF PROBABLE CAUSE. No reasonably trustworthy facts or circumstances were found to support

the conclusion that RESPONDENT attempted to secure a special privilege for himself or others by referencing his County position on the "We 2 Duets" website. The website showed that RESPONDENT's official title was not given prominence beyond any other significant biographical details and was not used to imply special advantages to persons hiring the singers.

In public session on August 31, 2010, Counts 2, 3, and 4 were dismissed for LACK OF LEGAL SUFFICIENCY.

Count 2 alleged that RESPONDENT did not obtain written approval to engage in outside employment. If true, this activity would violate the County Code at Sec. 2-11. The Ethics Commission's jurisdiction does not extend to Sec. 2-11.

Count 3 alleged RESPONDENT's judgment was impair because he signs his own outside employment approval forms. This is a misreading of Sec. 2-11.1 (j), which prohibits County employees from *engaging in outside employment that would impair their judgment* on the County job. No evidence was proffered suggesting that RESPONDENT's singing activities impair his independence of judgment as Inspector General.

Count 4 alleged that, as Treasurer of Shiloh Theatrical Productions, Inc., a Florida nonprofit corporation, RESPONDENT did not submit outside employment disclosure forms, as per the County Code at Sec. 2-11.1 (k). However, serving as a nonpaid volunteer officer or board member of a nonprofit organization is not considered outside employment.¹

Because allegations under Counts 2, 3, and 4 did not point to actions that violate the County Ethics Ordinance, the Ethics Commission DISMISSED these counts on August 31, 2010, due to LACK OF LEGAL SUFFICIENCY. Granting the MOTION by the ADVOCATE, the Ethics Commission DISMISSED Count 1 for LACK OF PROBABLE CAUSE.

¹ A memo to the Ethics Commission from Staff General Council titled "Outside Employment Guidelines" states, "Service on the board of a nonprofit entity does not require disclosure." Approved in public session on June 23, 2008.

Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against RESPONDENT


Christopher R. Mazzella is hereby DISMISSED on all counts.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public

Trust in public session on August 31, 2010.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:

A handwritten signature in black ink, appearing to read "Kerry E. Rosenthal", is written over a horizontal line.

Kerry E. Rosenthal, Esq.
Chairman

Signed on this date: Sept. 7, 2010

Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against RESPONDENT

Christopher R. Mazzella is hereby DISMISSED on all counts.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public

Trust in public session on August 31, 2010.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:

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Kerry E. Rosenthal, Esq.
Chairman

Signed on this date: Sept. 7, 2010