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

In re: Garcia v. Auch & Carberry

C 10-40

Second Corrected

**PUBLIC REPORT
AND
FINAL DISMISSAL ORDER**

On December 6, 2010, Jesus Garcia, an employee in the Miami-Dade County Property Appraiser's Office, filed the above-captioned complaint against Michael Auch and Edward Carberry, special agents in the County's Office of Inspector General. The complaint alleged that respondents exploited their official positions by falsifying information related to an investigation involving the complainant. If true, respondents' action might violate the County Ethics Code at Sec. 2-11.1 (g).

On February 8, 2011, the Ethics Commission moved to stay its proceedings until the conclusion of the administrative disciplinary hearing involving the complainant on related matters. Section 2-1074 (x) of the County Code provides that, in complaints involving allegations that are also the subject of personnel proceedings, the statute of limitations may be tolled until the termination of the personnel proceedings.

On September 2, 2011, the complainant's administrative matter was concluded.^{1,2}

On December 18, 2012, the Ethics Commission moved to accept the complainant's request to withdraw this complaint.

Therefore it is:

ORDERED AND ADJUDGED THAT the complaint against Michael Auch and Edward Carberry is hereby withdrawn.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on December 18, 2012.

MIAMI-DADE COUNTY COMMISSION ON ETHICS
& PUBLIC TRUST
By:

Charlton C. Copeland
Charlton Copeland
Chair

Signed on this date: 3/20/2013

¹ Following a personnel hearing, the complainant was reinstated pursuant to a "Last Chance Reinstatement Acknowledgment and Agreement between Miami-Dade County and Jesus Garcia" wherein the complainant made certain admissions. Among other things, he specifically acknowledged and admitted all of the allegations in the Disciplinary Action Report (DAR) and admitted that he committed the actions and violations set forth in the DAR. Further, the complainant acknowledged that "the proof assembled by the county is convincing, extensive, and un rebutted."

² According to the complainant, he was reinstated to his job holding the same position as Income Evaluation Specialist and retained his seniority. Additionally, the complainant states that he has a pending lawsuit regarding other unresolved matters.