

FILE COPY



CLERK OF THE BOARD

2011 JUN -9 PM 1:39

CLERK, CIRCUIT & COUNTY CTS
MIAMI-DADE COUNTY, FLA.
#1

MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Gregory Pierce

Case No: 11-13

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

David Tarlow filed the above-captioned complaint against Gregory Pierce ("Respondent"), a member of the Board of Rules and Appeals, for violation of several sections of the Conflict of Interest ordinance. The complaint alleged the Respondent violated three sections of the Conflict of Interest ordinance: 1) Section 2-11.1(m) (certain appearances and payment prohibited); Section 2-11.1(h) (use of confidential information) and Section 2-11.1(j) (conflicting employment). The Respondent appeared as an expert witness for litigants who had filed complaints with the Board of Rules and Appeals.

The Respondent and his spouse are owners of a consulting company. Additionally, the Respondent holds roofing and contractor licenses. The Respondent also serves as an expert witness in civil court for litigants who may

also have pending matters before the Board of Rules and Appeals.

In 2009, the Respondent represented five clients in a civil suit who claimed faulty construction services. The same issues were pending before the Board of Rules and Appeals. Two of the litigants also filed administrative claims with the County. On September 19, 2009, the Probable Cause Panel of the Board of Rules and Appeals heard the complaint against one of the companies involved in the civil lawsuit. The Respondent was listed as present at the meeting and there is no record that he recused himself from the vote.

On May 26, 2011, the Advocate recommended that the Ethics Commission find no probable cause on the allegation that the Respondent had conflicting employment because he was an expert witness in a case involving a company that also had a matter pending before the Board of Rules and Appeals. The preliminary investigation determined that the Board of Rules and Appeals had not taken any action regarding the matter. The other counts were earlier determined to be legally insufficient.

Upon review of the complaint, review of the Advocate's No Probable Cause memorandum, hearing the argument of the parties and being otherwise advised in the premises, the

Ethics Commission ordered the complaint dismissed for lack of probable cause.

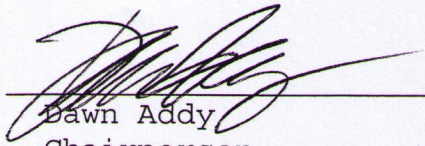
Therefore it is:

ORDERED AND ADJUDGED THAT the Complaint is
DISMISSED.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics and Public Trust in public session on May 26, 2011.

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

By: _____


Dawn Addy
Chairperson

cc: Gregory Pierce
David Tarlow