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

**In re: PASCUZZO v. SHELLEY**

**C 12-15**

**PUBLIC REPORT  
AND  
FINAL DISMISSAL ORDER**

Patrick Pascuzzo, a private citizen, filed the above-referenced complaint against Stephen Shelley, Councilman in the City of Homestead.

The complaint alleged Councilman Shelley was distinctly affected by a vote he cast on February 13, 2012, to approve a city contract for his landlord. If true, the action could possibly violate Sec. 2-11.1 (d) of the County Ethics Code, which prohibits a councilperson from voting on matters involving individuals with whom he or she has a debtor-creditor relationship (*e. g.*, a landlord-tenant relationship) if the vote would affect the councilperson in a manner distinct from the public generally.

Pursuant to the Code of Miami-Dade County at Sec. 2-11.1 (y), the jurisdiction of the Ethics Commission extends "to any person required to comply with the County or municipal Code of Ethics Ordinances...." The County Ethics Code at Sec. 2-11.1(a) extends the jurisdiction of the County Ethics Ordinance to municipal officers.

In public session on May 31, 2012, the Advocate for the Ethics Commission reported that an investigation into this matter did not uncover any evidence that Respondent Shelley received any benefits from his landlord as a result of his vote. Consequently, the Ethics Commission found no probable cause that a voting conflict had occurred. However, the Ethics Commission noted that an appearance of impropriety is likely to be created when an elected official votes on matters affecting his or her landlord and advised that the better course of action may be to abstain from voting. (See RQO 12-04 to County Commissioner Jean Monestime.)

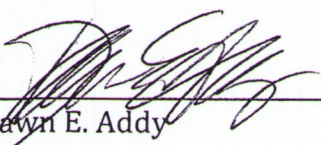
Therefore it is:

**ORDERED AND ADJUDGED THAT** the above-cited complaint against Stephen Shelley is hereby dismissed for lack of probable cause.

**DONE AND ORDERED** by the Miami-Dade County Commission on Ethics & Public Trust in public session on May 31, 2012.

MIAMI-DADE COUNTY COMMISSION ON ETHICS  
& PUBLIC TRUST

By:

  
\_\_\_\_\_  
Dawn E. Addy  
Chair

Signed on this date: 6/12/2012