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

In re: PASCUZZO v. SHELLEY

C 12-16

**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 that Councilman Shelley exploited his official position when he used a photo of himself, which was posted on the City of Homestead website, for his private business website. The City of Homestead paid for the original photograph. This allegation, if true, might violate the County Ethics Code at Sec. 2-11.1 (g), which prohibits a councilman from using his official position to secure a special privilege or exemption for himself or others.

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 March 27, 2012, the Ethics Commission found that the complaint did not allege a violation of any ordinance within its jurisdiction. Because the works of governments are excluded from copyright protection and are considered to be in the public domain, no special privilege was secured by the Councilman that any other person could have also obtained without obtaining permission or giving payment. Consequently, the complaint was dismissed for lack of legal sufficiency.

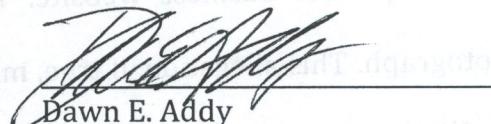
Therefore it is:

ORDERED AND ADJUDGED THAT the above-cited complaint against Stephen Shelley is hereby dismissed for lack of legal sufficiency.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on March 27, 2012.

MIAMI-DADE COUNTY COMMISSION ON ETHICS
& PUBLIC TRUST

By:


Dawn E. Addy
Chair

Signed on this date:

4/25/2012