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

**In re: Busch v. Scholl**  
\_\_\_\_\_ /

**C 12-38**

**PUBLIC REPORT  
AND  
FINAL DISMISSAL ORDER**

Harvey Busch, a candidate for Sunny Isles Beach Commission Seat 3 in the November 6, 2012, election filed this complaint against his opponent, incumbent Commissioner George Scholl. The complaint alleged that Commissioner Scholl threatened to expose Busch's history of bankruptcy unless Busch withdrew from the race.

Pursuant to the Code of Miami-Dade County at Sec. 2-11.1.1 (A), the jurisdiction of the Ethics Commission extends to candidates running for any municipal elective office within the County.

The complaint was stayed on November 27, 2012, pending review by the State Attorney's Office. In January 2013, the Assistant State Attorney determined that the facts in this case did not support a criminal violation of extortion under Fla. Stat. 836.05 because the information presented by Scholl was public knowledge that was unlikely to compel Busch to act or refrain from acting against his will.

Following the State's assessment, the Miami-Dade Ethics Commission looked into possible violations of the County's Ethical Campaign Practices Ordinance at Secs. 2-11.1.1 (C)(1)(a) and (b), which prohibit candidates from making, with actual

malice, untrue oral or written statements about another candidate. Finding no evidence that the respondent told an untruth, the Advocate for the Ethics Commission recommended that the case be dismissed for lack of probable cause.

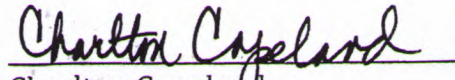
In public session on January 24, 2013, the Ethics Commission dismissed the complaint because respondent's actions did not violate any sections of the County Ethical Campaign Practices Ordinance at Sec. 2-11.1.1 (C).

Therefore it is:

**ORDERED AND ADJUDGED THAT** the complaint against George Scholl is hereby dismissed.

**DONE AND ORDERED** by the Miami-Dade County Commission on Ethics & Public Trust in public session on January 24, 2013.

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

  
Charlton Copeland  
Chair

Signed on this date: 2/20/2013