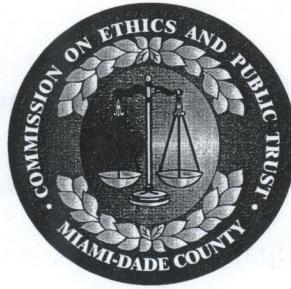


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CLERK OF THE BOARD

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CLERK, CIRCUIT & COUNTY CLS
MIAMI-DADE COUNTY, FLA.
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**MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST**

In re: Machado v. Zapata
_____ /

C 12-43

**PUBLIC REPORT
AND
FINAL DISMISSAL ORDER**

Manuel Machado, a candidate in 2012 for the County Commission seat in District 11, filed this complaint against Juan C. Zapata, one of his opponents for the Commission seat. The complaint alleges that Mr. Zapata misused the County seal by placing a picture of the seal on his campaign literature. As evidence, the complainant provided a copy of a campaign brochure from Mr. Zapata with a picture of the County seal on its cover.

Pursuant to the Code of Miami-Dade County at Sec. 2-11.1.1 (A), candidates for local office are required to comply with the mandatory portion of the Ethical Campaign Practices Ordinance.¹ The Ethics Commission is authorized to enforce the Ethical Campaign Practices Ordinance at Sec. 2-11.1.1 (B).

The County Code at Sec. 21-29.2 (b) prohibits reproducing the County seal without the express written authority of the County Mayor. However, the Ethics

¹ Briefly, the mandatory portion of Ethical Campaign Practices Ordinance prohibits making, with malice, untrue and harmful statements about other candidates, their family, or staff; willfully damaging or knowingly depriving an opponent of his/her campaign materials; or knowingly filing a groundless or frivolous complaint against another candidate with the Ethics Commission. See Miami-Dade County Code at Sec. 2-11.1.1.

Commission has no jurisdiction to enforce Sec. 21-29.2 (b) of the Code. Nothing in the Ethical Campaign Practices Ordinance prohibits a candidate from reproducing the official County seal on his campaign literature.

Because the allegations filed in this complaint do not point to a violation of an ordinance within the jurisdiction of the Ethics Commission to enforce, the Ethics Commission dismissed the complaint for lack of legal sufficiency on November 27, 2012.

Therefore it is:

ORDERED AND ADJUDGED THAT the complaint against Juan C. Zapata is hereby dismissed.

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

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


Charlton Copeland
Chair

Signed on this date: Jan. 24, 2013