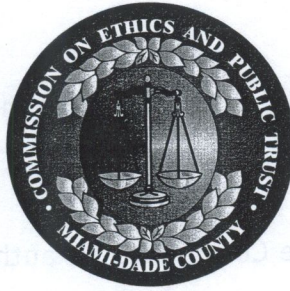


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CLERK OF THE BOARD

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

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

In re: Lightbourne v. Gimenez

C 12-49

**PUBLIC REPORT
AND
FINAL DISMISSAL ORDER**

Maria Lightbourne, a private citizen, filed the above-referenced complaint against Carlos A. Gimenez, Mayor of Miami-Dade County, alleging that the Mayor exploited his official position by not increasing early voting days prior to the election on November 6, 2012. If true, this failure to act might violate the County Ethics Code at Sec. 2-11.1 (g), *exploitation of official position*, and possibly the County's Citizen's Bill of Rights at Sec. (A)(1), *convenient access*.

Pursuant to the Code of Miami-Dade County at Secs. 2-1068 and 2-11.1 (y), the Ethics Commission has jurisdiction to enforce the County Ethics Code against an elected County official. However, the Ethics Commission has not yet been authorized to take enforcement actions related to the Citizen's Bill of Rights.¹

Complainant is a registered voter in Miami-Dade County who waited 45 minutes at the Stephen P. Clark Building to vote early in the national election of

¹ Miami-Dade County voters approved an amendment on November 6, 2012, authorizing the Ethics Commission to enforce the Citizen's Bill of Rights, but a related enabling ordinance has not yet been finalized.

November 6, 2012. She placed blame for the wait time on Mayor Gimenez for failing to increase early voting days.

The Mayor of Miami-Dade County has no authority to establish early voting days before an election that contains state or federal races. This authority falls within the sole control of the state legislature, with the approval of the governor.²

Consequently, on January 24, 2013, the Ethics Commission dismissed the complaint against Carlos A. Gimenez for lack of legal sufficiency.

Therefore it is:

ORDERED AND ADJUDGED THAT the complaint against Carlos A. Gimenez 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
Charlton Copeland
Chair

Signed on this date: 2/20/2013

² Fla. Stat. 101.657 (2012). The number of early voting days was reduced from 14 to 8 on May 19, 2011, when the Governor signed into law House Bill 1355.