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

Henry S. Stolar

C 15-24

v.

Eric Carpenter,
Anthony Kaniewski and
Adrian Morales

PUBLIC REPORT AND FINAL ORDER

On October 13, 2015, Henry S. Stolar filed an ethics complaint against Respondents, Eric Carpenter, Anthony Kaniewski and Adrian Morales. Respondents are employed at the City of Miami Beach. Mr. Carpenter is Assistant City Manager and Public Works Director; Mr. Kaniewski is the Director of the Property Management Division of Public Works; and, Mr. Morales is the Senior Administrative Manager of the Property & Management Division of Public Works. The complaint alleged that Respondents failed to comply with a public records request made on September 18, 2005, for a copy of the City of Miami Beach Lincoln Road Master Plan, in violation of the Citizens' Bill of Rights, Section 3, entitled, *Public Records*.

Pursuant to the Code of Miami-Dade County at Sec. 2-1072(b) and 2-1074, the Ethics Commission is empowered to enforce the Citizens' Bill of Rights.

On November 18, 2015, in closed session, Staff Attorney recommended that the case be dismissed as not legally sufficient pursuant to the Memorandum attached hereto as Exhibit A.

In open session, the Ethics Commission voted unanimously to dismiss the case as not being legally sufficient.

Therefore, it is

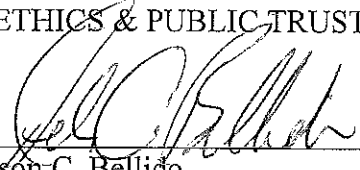
ORDERED AND ADJUDGED that Complaint C 15-24 is hereby dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on November _____, 2015.

MIAMI-DADE COUNTY COMMISSION

ON ETHICS & PUBLIC TRUST

By: _____


Nelson C. Bellido
Chair

Signed on this date: _____

12/1/2015

The complaint fails to establish a violation of the Citizens' Bill of Rights.

The clear and unambiguous language of Section A (3) of the Citizen's Bill of Rights, provides that the public record shall be "*open for inspection at reasonable times and places convenient to the public.*" It specifically does not contemplate the failure to provide a copy of the public record. See Memorandum to Ethics Commission on C14-01, etc.

It is worth noting that, although Stolar did not request inspection of the Master Plan, the City of Miami Beach Clerk's Office contacted him and offered to provide the Master Plan for his inspection and make accommodations so that he may review it.²

CONCLUSION:

Because this complaint does not identify any violations within the jurisdiction of the Miami-Dade County Ethics Commission, the complaint is NOT LEGALLY SUFFICIENT and should be dismissed.

September 8, 2015, a revised design was presented at a public meeting before the Historic Preservation Board (HPB), where the consultants received feedback (the link to the HPB meeting was later offered to Stolar). Consequently, there were several webcam meetings held between the consultants and City staff to discuss the final plan. A draft was never submitted to the City but rather, revisions were orally discussed during the webcam meetings held between New York consultants and Miami Beach staff. The Master Plan was not transmitted to the City until September 28th, at which time Stolar was notified by the Clerk's Office of its availability and duplication costs.

² On or about October 7th, the City Clerk received Stolar's request; however, the cost for the duplication was disputed by Stolar so the Clerk offered to have Stolar inspect the Master Plan at a convenient place and time. Subsequently, Stolar advised Morales and the City Clerk that "this PRR [public records request] can be closed."

The complaint fails to establish a violation of the Citizens' Bill of Rights.

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