

COMPLAINANT (Person bringing complaint):

Name:				
Address:	Cit	ty:	Zip Code	
Contact No.'s: Specify Home, Wo.			•	
E-mail:				
RESPONDENT (Person agains	st whom complaint is r	made):		
Name:				
Address:		City	Zip Code	
Contact No(s): Specify Work &/or	r Cell			
Title/Office Held or Sought:				
ALLEGATION refers to:Pe	erson in County Gov't	Person in municipal C	Gov't. (Specify city)	
Elections Ethical Campaign (County's Citizens' Bill of Rights	
	ce (Whistleblower retali	ation) (Refer to Instructions)	County/Municipal Ethics Code	
Note: The Ethics Commission doe the Miami- Dade County School B	s not have jurisdiction or	ver Florida Statutes, State o	or Federal officials, Judges, or	
facts and actions that form the relevant documents as well as na	basis of your compla ames and contact infor- the section of the ord	int, including dates who mation of witnesses or o	arate attachment, please describe in de en the action(s) occurred. Also, atta ther persons who may have knowledge ing violated. Please refer to the Instru	ich any e about
ОАТН:		STATE OF F COUNTY OI		
I,, do	swear or affirm		ed) and subscribed before me by	
that the facts set forth in the for	regoing complaint	means of [] physical	presence or [] online notarization	
& attachments are true and corre	ect to the best	this day of	, 20	
my knowledge.		Ву	Complainant/Affiant	
		Name of Personally known to me _	Complainant/Affiant or produced identification ()	

Print, Type or Stamp Commissioned Name of Notary Public



INSTRUCTIONS

The Miami-Dade County Board of County Commissioners, through Ordinance 97-105, established the Miami-Dade County Commission on Ethics & Public Trust (COE). The COE encourages persons with personal knowledge of suspected violations of ordinances within its jurisdiction to bring forth evidence in a legally sufficient complaint.

<u>Jurisdiction</u>: The COE has jurisdiction to hear complaints related to the following County & comparable municipal ordinances:

- Miami-Dade County Code of Ethics & Conflict of Interest Ordinance- §§ 2-11.1, et. seq.
- Political Campaign Activities- § 2-11.1.1
- Ethical Campaign Practices Ordinance, to be timely heard by a hearing examiner before an election, subject to a filing fee- § 2-11.1.1(E)
- Miami-Dade County's Citizens' Bill of Rights
- Employee Protection Ordinance § 2-56.28.17 (These complaints must be simultaneously filed with the Office of the Mayor)
- Any other County or municipal ordinance that authorizes the COE to exercise its jurisdiction.

<u>Legal Sufficiency</u>: To be legally sufficient, the Complaint must meet the following criteria:

- 1) The complaint must be against a natural person, not a business entity, non-governmental organization, or public organization.
- 2) The complaint must allege a violation of an ordinance(s) within the jurisdiction of the COE;
- 3) The allegation(s) must be based substantially on personal knowledge;
- 4) The complaint must be signed under oath or affirmation by the complaining individual (complainant);
- 5) The facts alleged in the complaint are sufficient to allege a violation of an ordinance within the jurisdiction of the COE.

<u>Requirements</u>: Complaints must be notarized. COE will not accept anonymous complaints. Improperly completed Complaint Forms will be returned. All complaints are considered **independent** of one another. Therefore, if you are filing a complaint against multiple Respondents, you must use a **separate** Complaint Form for **each** Respondent and provide a **separate** Statement of Facts for each person, otherwise your complaint will be returned.

<u>Submittal and Fees</u>: The Complaint Form notarized and substantiated with relevant documents, if available, may be sent via U.S. mail or personal delivery to the Miami-Dade County Commission on Ethics, 701 NW 1st Court, 8th Floor, Miami, FL 33136; or by electronic mail to <u>ethics@miamidade.gov</u>. For submissions by email, please include the word "CONFIDENTIAL" at the beginning of the email subject line.

Statute of Limitations: No action shall be taken on a Complaint filed more than three (3) years after the violation is alleged to have occurred, with the exception of allegations which are subject to a personnel proceeding or the exhaustion of all administrative remedies, in which instance, the statute of limitations will be tolled until the termination of said action(s).



PROCEDURES

All sworn complaints filed with COE will be assigned a number. A copy shall be forwarded to the Respondent within five (5) days after receipt of the Complaint or as soon as practicable thereafter unless the Complaint is returned to the complainant. An acknowledgement letter will also be sent to the complainant.

The Complaint will be reviewed for legal sufficiency. Upon a determination of no legal sufficiency, a recommendation will be presented to the COE for dismissal. An order dismissing the Complaint will be sent to both the Complainant and the Respondent. Upon a determination of legal sufficiency, a preliminary investigation shall be undertaken to determine whether there is probable cause to believe that a violation has occurred. Complainant may be required to speak to COE Staff and/or produce additional documentation in support of the complaint. If during the investigation, evidence of other wrongful act(s) not materially related to the Complaint is discovered, such evidence may result in further investigation, an ethics complaint or other action in accordance with COE Rules. Respondent shall be given an opportunity to respond to the Complaint.

COE Staff will make a recommendation of either probable cause or no probable cause to the COE which may take such action as authorized by its Rules. The COE may, at its discretion, dismiss a Complaint at any stage should it determine that the public interest would not be served by proceeding further.

- If you are complaining that you have been retaliated against pursuant to Employee Protection Ordinance, you **must** exhaust your administrative or contractual remedies before filing an ethics complaint in accordance with Section 2-56.28.17, Miami-Dade County Code and Section J, COE Rules.
- Ethical Campaign Practices Complaints will be processed on an expedited basis in accordance with Section 2-11.1.1(E), Miami-Dade County Code and Section K, COE Rules. A fee of \$301.00, payable by check, credit card or money order, is required for expedited process.

<u>Withdrawal of Complaint</u>: A request for withdrawal shall be in writing and signed by Complainant. A Complaint may be withdrawn for good cause.

<u>Stay of Proceedings</u>: In accordance with COE Rules, complaint proceedings may be stayed at any time prior to the commencement of a public hearing.

<u>Notices</u>: All legally sufficient sworn complaints will be presented to the Ethics Commission for probable cause determination. Notice of the probable cause determination hearing will be sent to all Respondents and only to personally aggrieved Complainants. Attendance at the probable cause determination hearing will depend on whether the violation you allege **directly** affects you, ie., you have personally suffered loss or detriment, directly or indirectly, as a result of the Respondent's alleged violation. Upon the COE's entry of a final order, both the Complainant and Respondent will be notified of the final disposition. Pre-probable cause determinations are not noticed.



<u>Confidentiality</u>: The Complaint and all Staff and COE activities, proceedings and documents related to the Complaint are **confidential**. Staff may advise the Complainant or Respondent about the status of the complaint proceeding. Confidentiality may only be waived in writing by the Respondent.

Costs and Attorney's Fees: Pursuant to Section 2-1074(t) of the Miami-Dade County Code and COE Rule of Procedure 3.6, Respondent may petition the COE for the imposition of costs and attorney's fees based on Complainant filing a frivolous and groundless complaint. If the petition is legally sufficient, a hearing shall take place where a determination shall be made on whether the alleged violator/Respondent is entitled to costs and attorney's fees based on the filing of a frivolous complaint.

For additional information on the complaint process, please contact the COE office at (305) 579-2594, or follow the link to the Ethics Commission at http://miamidade.gov

The Ethics Commission is a public entity subject to the Public Record Laws, Chapter 119, Florida Statutes.

/MDP July 2021