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MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST

In Re: Fortuna Smukler C 26-23-06
_____/

PUBLIC REPORT AND FINAL ORDER

Complainant, Carolina Matamoros, Constituent Aide for the City of North Miami Beach, filed a sworn complaint against Respondent, Fortuna Smukler, Commissioner for the City of North Miami Beach, alleging that Respondent had violated Section 2-11.1 of the Conflict of Interest and Code of Ethics Ordinance (County Ethics Code) and Section 2-11.1.1 of the Miami-Dade County Code, entitled Ethical Campaign Practices Ordinance (ECPO).

Complainant alleged that Respondent was involved in communications that preceded the directive from City Manager to file appropriate outside employment disclosure forms, assertions that she was not in compliance, reference to her leave of absence, and the termination of her remote work arrangement. Complainant alleged that Respondent's relationship with a nonprofit organization associated with Complainant's political opponent were evidence of Respondent's misuse of official position and/or personnel actions made in connection with her candidacy for office. However, Complainant admitted that she had no personal knowledge that this relationship influenced any personnel decisions.

Legal sufficiency exists where the complaint adequately alleges a violation of an ordinance within the jurisdiction of the Ethics Commission, committed by an individual within the authority of the Ethics Commission, based substantially on the personal knowledge of the Complainant and filed with the Ethics Commission within three years of the alleged violation.

The complaint fails to allege a violation of the County Ethics Code or any matter within the jurisdiction of the Miami-Dade County Commission on Ethics and Public Trust.

The complaint is devoid of any facts to suggest Respondent's involvement in any of the alleged disputes referenced in the complaint regarding Complainant's work arrangement. Further, it is well settled by the Ethics Commission that actions consisting of allegations of unfair treatment or disciplinary actions against a city employee are *personnel issues,* outside of the Ethics Commission's jurisdiction. *See* C 22-20-04. Additionally, pursuant to Section 2-1067 of the Code of Miami-Dade County, the Ethics Commission is not intended to serve as a personnel board resolving personnel matters involving city officers and employees. *See* C 19-49, C 18-26, C 14-11.

Moreover, this complaint does not allege a violation of Section 2-11.1 (g) of the County Ethics Code or other ordinances within the jurisdiction of this Commission. Section (g) of the County Ethics Code prohibits County employees and officials from using their official positions

cc: Respondent and Complainant

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to secure a special benefit for themselves or others. *See* Miami-Dade County Code at Sec. 2-11.1(g). There are no allegations within the complaint to demonstrate that Respondent took any action to seek a special benefit outside her role as a commissioner.

Lastly, the complaint suggests a possible violation of the ECPO. Section 2-11.1.1 (A) of the ECPO "shall extend to . . . (iv) candidates, and their respective campaign staffs, for any municipal elective office within Miami-Dade County . . ." This ordinance covers the actions of candidates and their respective campaign staff with respect to campaign related activities. There are no facts provided which implicate any provision of this ordinance.

On July 8, 2026, the Ethics Commission dismissed the complaint for lack of legal sufficiency.

Wherefore it is:

ORDERED AND ADJUDGED that COMPLAINT C 26-23-06 against Respondent is hereby dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session at the public meeting held on July 8, 2026.

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

By: DocuSigned by: Judith Bernier 229F6B48B9E44EC...

Dr. Judith Bernier
Chair

Signed on: 7/21/2026