MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST
COMPLAINT FORM

COMPLAINANT (Person bringing complaint)**:**

Name: _____
Address: _____City: _____ Zip Code_____
Contact No.'s: *Specify Home, Work &/or Cell* _____
E-mail: _____

RESPONDENT (Person against whom complaint is made):

Name: _____
Address: _____ City _____ Zip Code _____
Contact No(s): *Specify Work &/or Cell* _____
Title/Office Held or Sought: _____

ALLEGATION refers to: ____ Person in County Gov't. ____ Person in municipal Gov't. (Specify city) _____
AND
_____Elections Ethical Campaign Ordinance (**Refer to Instructions**) ____ County's Citizens' Bill of Rights
____ Employee Protection Ordinance (Whistleblower retaliation) (**Refer to Instructions**) ____ County/Municipal Ethics Code
____ Other (Specify) _____
Note: The Ethics Commission does not have jurisdiction over Florida Statutes, State or Federal officials, Judges, or the Miami- Dade County School Board.

STATEMENT OF FACTS BASED ON PERSONAL KNOWLEDEGE: In a separate attachment, please describe in detail the facts and actions that form the basis of your complaint, including dates when the action(s) occurred. Also, attach any relevant documents as well as names and contact information of witnesses or other persons who may have knowledge about the actions. If known, **indicate the section of the ordinance you believe is being violated**. Please refer to the Instructions attached to this Complaint Form for further assistance.

OATH:

I, _____, do swear or affirm that the facts set forth in the foregoing complaint & attachments are true and correct to the best my knowledge.

_____
Signature of Complainant /Affiant

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of [ ] physical presence or [ ] online notarization this ___ day of _____, 20__
By _____
Name of Complainant/Affiant
Personally known to me __or produced identification __ (_____)

_____
Signature of Notary Public, State of Florida

_____
Print, Type or Stamp Commissioned Name of Notary Public

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INSTRUCTIONS & PROCEDURES

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.

Jurisdiction: 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.

Legal Sufficiency: 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.

Requirements: 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, please use a **separate** Complaint Form for **each** Respondent and provide a **separate** Statement of Facts for each person.

Submittal and Fees: 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, 19 West Flagler St., Suite 820, Miami, FL 33130. You may also email the Sworn Complaint Form to the Ethics Commission by electronic mail to ethics@miamidade.gov. For submissions by email, please include the word "CONFIDENTIAL" at the beginning of the email subject line.

Miami-Dade County Commission on Ethics and Public Trust
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Although a filing fee is not generally required, complaints alleging a violation of the Ethical Campaign Practices Ordinance will be assessed a filing fee of Three Hundred and One Dollars ($301.00). This fee may be waived upon a finding of indigency.

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 to determine whether the COE has jurisdiction over the matter and whether the Complaint is legally sufficient. 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 your 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.l(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.

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

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

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Notices: All sworn complaints will be presented to the Ethics Commission. You may be notified of the date when the COE considers probable cause in the complaint you filed. Notice of the probable cause determination hearing will be sent to all Respondents but only to directly affected 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.

Confidentiality: 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. A Verified Petition for Costs and Attorney's Fees must be served to the original complainant but may not be filed with or presented to the Commission unless, within ten (10) days after service of the petition, the original complainant does not withdraw or appropriately correct the challenged complaint. A petition must be filed with the Ethics Commission before final disposition of the complaint. Final disposition refers to a vote by the Ethics Commission on legal sufficiency of the originally filed complaint. Once filed, a hearing shall take place where a determination shall be made on whether the 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.

January 2025

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