

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



MEMORANDUM

TO: Miami-Dade County Commission on Ethics and Public Trust

FROM: Loressa M. Felix, General Counsel

RE: C 26-23-06 (*In re*: Fortuna Smukler)

DATE: June 30, 2026

Recommendation:

This complaint is **Not Legally Sufficient** and should be **Dismissed** pursuant to Article LXXVIII, Section 2-1074 and Rule 4.2(a), COE Rules of Procedure.

Legal sufficiency exists where there is an allegation of a violation of an ordinance within the jurisdiction of the Ethics Commission, purportedly 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.

Background:

On June 8, 2026, 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).

In the documents accompanying the complaint, Complainant indicated that since January 2025, she has worked remotely part-time as a Constituent Aide for the Mayor of North Miami Beach. In February 2026, she met with Darvin Williams, City Manager for the City of North Miami Beach, regarding her position for the City of North Miami Beach and her employment with another municipality. Complainant indicated that Mr. Williams confirmed in writing that her remote work arrangement would continue until further notice.

Complainant provided information regarding an email exchange between herself and Respondent regarding the Mayor's attendance to the Miami-Dade County League of Cities gala. Subsequently, Mr. Williams directed Complainant to copy him on all correspondence.

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.^{2 3 4}

Conclusion:

The factual allegations raised by the Complainant do not rise to a violation of the County Ethics Code, ECPO, or any ordinance within the jurisdiction of the Ethics Commission. Consequently, there is **No Legal Sufficiency** for an investigation to be conducted into this matter and the complaint should be **Dismissed**.

² The complaint is devoid of any facts to suggest Respondent's involvement in any of the alleged disputes referenced above regarding Complainant's work arrangement. However, it is well settled by the Ethics Commission that actions consisting of disciplining or terminating 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. Specifically, allegations of unfair treatment or disciplinary actions describe personnel issues which the Ethics Commission does not enforce. *See* C 07-33 (Mayor's actions of alleged unfair discipline, harassment and discrimination against complainant formerly employed in the city's police department, are personnel issues which the Ethics Commission does not enforce); C 11-25 (Complaint alleging retaliation against her union for filing a sexual harassment complaint against a union official was found not legally sufficient because it involved a personnel matter outside the Commission's jurisdiction not enforced by the Ethics Commission except in whistleblower matters); and C 18-33 (Dissatisfaction with a City Charter officer's performance is not a matter within the jurisdiction of the Ethics Commission).

³ The complaint fails to allege a violation of Section (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 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.

⁴ Lastly, the complaint suggests a possible violation of Section 2-11.1.1 of the Miami-Dade County Code, entitled Ethical Campaign Practices Ordinance (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 regarding campaign related activities. There are no facts provided which implicate any provision of this ordinance.