



For Immediate Release: March 9, 2016
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Ethics Commission clears councilman in church dispute

The Miami-Dade Commission on Ethics and Public Trust (COE) today found No Probable Cause to a complaint (**C 15-30**) filed against North Miami Beach City Councilman Frantz Pierre who was accused of exploiting his official position during a conflict among members of his religious congregation. Different factions of the board of the Haitian Evangelical Baptist Church had disagreed on candidates to serve as pastor during a meeting on November 8, 2015, when the argument became heated. The complainant accused Pierre of ordering Miami-Dade Police officers to remove two individuals from the church. However, the investigation determined that the off-duty officers were hired by another member of the congregation and that they acted on their own to diffuse the situation by taking the two outside to talk, and then they were allowed back into the church. Since there was no evidence that Councilman Pierre misused his position, the case was dismissed.

The Ethics Commission also found No Probable Cause to a complaint (**C 15-27**) filed against an assistant Miami City attorney who was accused of making false or misleading statements during a May 8, 2014, City Commission meeting regarding contractual details between the municipality and Flagstone island Gardens LLC. The complicated case involved an agreement that was ratified by voters in 2001 and had been revised many times over the years. After an extensive review of the allegations, investigators could find no evidence that the city official intentionally provided false information or knowingly omitted significant facts as alleged, and so the COE dismissed the complaint.

Ethics Commissioners did find Probable Cause that a land use attorney improperly lobbied without being registered, but also determined the violation was inadvertent, unintentional and insubstantial. South Miami City Attorney Thomas Pepe filed the complaint (**C 16-02**) against Nancy Stroud, who requested that the city clerk distribute to the mayor and commissioners her letter opposing an amendment to an ordinance regarding land development on behalf of her clients. When she learned that her letter was not read because she hadn't registered as a lobbyist, she contacted the Ethics Commission for guidance and then registered with the City. City Attorney Pepe said he was only seeking compliance and considered the case closed, so the complaint was dismissed.

Following last month's ruling of No Probable Cause to a complaint (**C 15-29**) against Palmetto Bay Mayor Eugene Flinn for failing to preserve early versions of his State of the Village address, the Ethics Commission today approved a Letter of Instruction providing guidance on the state Public Records Law and Miami-Dade County's Citizens' Bill of Rights. The initial version of last fall's speech was written by the Village Clerk, who exchanged drafts with Mayor Flinn and the Public Information Officer by email. When a public records request for a copy of the early versions was received, the City Attorney concluded that, as long as the drafts are not circulated outside the group working on them, they are not considered public records. The Ethics Commission's interpretation of several legal precedents determined that each time a new version of the speech was created and shared, it became a public record. The Letter advises the Village of Palmetto Bay – and other municipalities by extension – of the distinction for future consideration.

A new staff attorney was introduced to the Ethics Commission today. Radia Turay has litigated as an associate with Kubicki Draper and served as an Assistant State Attorney and Chief of the Juvenile Division of the Miami-Dade State Attorney's Office. The Miramar mother of two earned her Juris Doctorate at Syracuse University, where she also obtained a Master's Degree in International Relations.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

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