

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K #: K13-002

Date Opened: 1/4/13

Date Closed: 2/27/13

Name of Investigator: Manuel W. Diaz

Allegation:

North Miami (NM) City Commissioner Scott Galvin (Galvin) advised COE investigators that NM Mayor Andre Pierre (Pierre), who is also an attorney, represented a Florida corporation whose principals received funding from the NM Community Redevelopment Agency (CRA). Pierre, at the time of the award, sat as a member of the CRA.

Applicable Legislation:

Miami Dade County Conflict of Interest and Code of Ethics Ordinance , Sec 2-11.1

(g) Exploitation of official position prohibited.

No person included in the terms defined in Subsections (b) (1) through (6) and (b) (13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or her or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

Investigation:

Interviews

Scott Galvin, NM Commissioner

Galvin was interviewed via telephone. He provided a copy of a time line, which he prepared. (Copy in investigative file) The dates of the timeline are between September 2009 and March 15, 2012. Under the timeline entry, Sept. 2009-February 2010, Galvin indicated that Pierre represented Hamler Rodney Noel (Noel) and Jean Cherenord (Cherenord) in a civil action filed by Kitt Marcellus (Marcellus). Under the timeline entry, December 14, 2010, Galvin indicated that the CRA awarded a \$14,500 matching grant to Noel and Cherenord as principals in MocaCafé.

Galvin also provided copies of correspondence between Pierre and Gerald Foreman, the attorney representing Marcellus in the civil action.

Gerald Foreman Esq. (Foreman), 113 West Bayridge Drive, Weston, Florida 33326

Foreman was interviewed via telephone. He advised that the last correspondence he received from Pierre, while representing Marcellus in the civil action was dated February 16, 2012. To his knowledge, Pierre ceased to represent Noel and Cherenord in the matter effective that date.

Steven W. Zelkowitz Esq., Grey Robinson, 1221 Brickell Avenue, Suite 1650, Miami, Florida 33131

Zelkowitz was interviewed via telephone. He is the NM CRA attorney. As attorney for the CRA, Zelkowitz reviewed the MocaCafe grant application that was submitted to the CRA by Noel and Cherenord. According to Zelkowitz, Pierre was not involved in the grant application process.

Zelkowitz advised that he did not believe that the COE had jurisdiction over the NM CRA since the CRA was formed under the state statute which deals with redevelopment agencies.

Conclusion:

It appears that Mayor Pierre was not representing Noel and Cherenord at the time they made their grant application to the CRA. It does not appear that Pierre was involved in the application process, i.e. he was not representing individuals that were appearing before his own board. The CRA voting conflict rules are governed by State statute. There is no evidence that Pierre exploited his official position in this instance, accordingly, this matter is closed without further action.