



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Breno Penichet

Case No. K14-093	Case Name: Frantz Pierre Voting Conflict	Date Open: August 5, 2014	CASE CLOSED Date: 3/24/2015
Complainant(s): Anonymous	Subject(s): Frantz Pierre		

Allegation(s):

The COE received information from information advising that City of North Miami Beach Council member, Frantz Pierre (Pierre) recused himself from voting on a matter before the council, claiming a conflict. According to the complainant the explanation Pierre provided as an excuse for the conflict "did not seem truthful."

Relevant Ordinances:

Citizen's Bill of Rights

(A) This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

2. **Truth in Government.** No County or municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts When giving requested information to members of the public.

Investigation:

Interviews

COE Investigators reviewed the original information provided by the complainant. According to the information, Frantz Pierre (Pierre) is an elected official who serves as a councilman for the City of North Miami Beach (City). On March 4, 2014 the council was scheduled to vote on a resolution R2014-6, which included building variances requested by Mr. Abraham Galsky (Galsky) a developer who was in the process of building a residential property at 3141 N.E. 165 Street North Miami Beach, Florida.

Pierre recused himself from voting on resolution R2014-6, stating “that he had to abstain from hearing this item due to a voting conflict”. Prior to the meeting Pierre signed (City) form 8B-Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. Pierre’s explanation for not voting on R2014-6 was because he claimed to be in negotiations with the owner/developer of the item to be discussed under R2014-6.

On March 6, 2014 the *Miami Herald* published an article about the above topic, in the article the reporter points out that the property in question will have a selling price of over \$4.5 million. The article also points out that according to Pierre’s most recent Statement of Financial Interest form filed, Pierre’s income was approximately \$83,000 per year. The article further states the owner/developer, however, denied that he was in negotiations with Pierre.

COE Investigators also obtained a copy of the complaint filed with the State Of Florida Commission on Ethics (FCOE), Complaint No: 14-063 filed by Stephanie Kienzle. On July 30, 2014. The FCOE dismissed the complaint as, Not Legally Sufficient.

Frantz Pierre
Council Member
City of North Miami Beach.

Pierre voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegations, Pierre advised that he did file the form and did abstain from voting on the resolution in question because he felt that he truly had a conflict and wanted to make sure he followed the letter of the law.

Pierre reinforced his position by affirming that he spoke to Galsky briefly regarding the subject property that was part of the resolution. Pierre advised that he has a very large family including extended family that lives with him, this property would be ideal and it is in a spectacular location. Pierre admitted that his discussion with Galsky was very brief, but he felt that out of an abundance of caution he would just recuse himself. Pierre advised that he has been the target of many complaints and all he wanted to do was follow the law. Pierre advised that he did nothing wrong and he was only trying to do the right thing.

Abraham Galsky
D/b/a AAE Shores LLC.
17785 Collins Ave
Sunny Isles Beach, Florida.

Mr. Abraham Galsky (Galsky) voluntarily agreed to be interviewed via telephone and provide information concerning the investigation. After being advised of the allegations, Galsky advised that he was never approached by Pierre or any other member of the City Council at any time to discuss the property located at 3100 NE 168st. Galsky was very difficult to locate and appeared not to be very cooperative. Galsky was unaware if anyone else connected with this project may have possibly had contact with any City officials.

Florida Architectural Services
34 NW 168 Street
North Miami Beach, Florida

A representative of the firm voluntarily agreed to be interviewed via telephone and provide information concerning the investigation. After being advised of the allegation, they advised never being approached by Pierre or any other elected official of the City of NMB at any time to discuss the subject property.

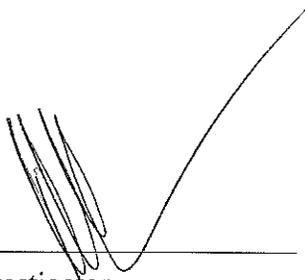
Document/Audio/Video Review:

1. Miami Herald Article posted on March 06, 2014, titled **“Developer can go ahead with scaled-back plans for luxury home in North Miami Beach”**
2. **State of Florida Commission on Ethics Public Report and Order Dismissing Complaint:** 14-063 plus exhibits.
3. Florida Department of State Division of Corporations record of Florida Limited Liability Company / AAE SHORES LLC. FEI/EIN Number 46-3947376.

Conclusion(s):

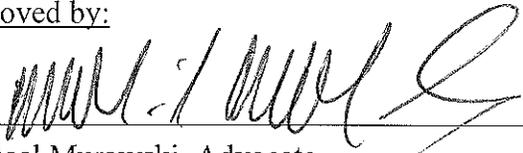
Pierre claimed a voting conflict and filed the appropriate forms declaring same. Pierre claimed he briefly inquired about purchasing the property in question and felt that this amounted to a possible conflict, although the developer does not recollect speaking with Pierre about the matter. A complaint filed with the State Ethics Commission on similar grounds was dismissed. There appears to be no nefarious reason for Pierre's recusal from this matter nor is there sufficient evidence to show that Pierre furnished false information. While it is doubtful that the issue presented an actual conflict, an official's mistaken belief that he or she may have a conflict on a particular matter would not create a violation of the County ethics code. Since there does not appear to be any ethics related violations, it is recommended that this case be closed with no further action.

(Signature)

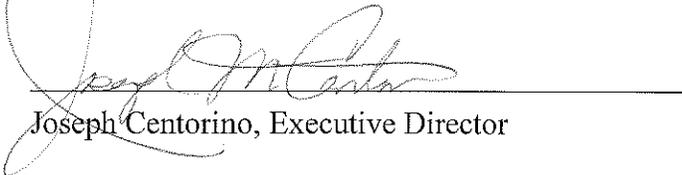


Breno Penichet, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

3/26/15

Date Closed