



**Miami-Dade Commission on Ethics & Public Trust**  
**Investigative Report**

Investigator: Larry Lebowitz

Case: PI 15-004	Case Name: Bien-Aime	<u>Date Open:</u>	
<u>Complainant(s):</u> COE Self-Generated	<u>Subject(s):</u> Philippe Bien-Aime	02/17/2015	<b>CASE CLOSED</b>

**Allegation(s):**

Date: 1/19/16

- 1) North Miami City Councilman Bien-Aime making direct contact with – and threatening -- city department director regarding the hiring and promotion of specific employees into specific jobs under her purview; plus additional threats and fear of retaliation, all in violation of city charter prohibiting elected officials from interfering with City Manager's power to hire, fire and manage the day-to-day affairs of the municipality.

**Applicable Law:**

**Article IV, Section 19, Charter, City of North Miami**, which states *"Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. Any councilmember violation the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a council member."*

**Sec. 2-11.1 (g), Miami-Dade County Conflict of Interest and Code of Ethics Ordinance**, prohibiting the exploitation of official position: *"No [elected official] shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself 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."* Also found at **Chapter 2, Section 2-316 H, North Miami Code of Ordinances**.

## Investigation:

### *Interviews*

ALEEM GHANY, North Miami City Manager. This investigator communicated several times with Mr. Ghany (hereinafter "Ghany") regarding the allegations that Councilman Phillipe Bien-Aime (hereinafter "BIEN-AIME" or "SUBJECT") was harassing and threatening planning director Tanya Wilson-Sejour (hereinafter "WILSON-SEJOUR") regarding projects in his district and hiring and promotional decisions she was making in her department.

The core allegations were detailed in a letter dated Jan. 20, 2015 from WILSON-SEJOUR to GHANY (see "Document Review" section below).

- SUBJECT accused WILSON-SEJOUR of laying off two housing staffers for personal and not fiduciary reasons, even though the city had just received a cut in HUD funding that led to budget cuts and the layoffs;
- SUBJECT accused the incumbent Housing Manager, who was a subordinate of WILSON-SEJOUR, of giving preferential treatment to specific contractors, but could provide no evidence to support his allegations;
- SUBJECT later added that he was not happy with the incumbent housing manager and said he wanted WILSON-SEJOUR to appoint another employee, who had previously served as an interim Housing Manager and failed to win the permanent job after management determined she had been ineffective;
- WILSON-SEJOUR also complained that SUBJECT was constantly demanding to meet him to review projects in his districts and on two occasions, unannounced, directed her to drive him to see property in his district without first clearing the site visit with GHANY, and,
- WILSON-SEJOUR also expressly detailed concerns of future retaliation against her by SUBJECT.

See the documentation for additional details regarding the original complaint, a copy of which was anonymously provided to COE Executive Director Joseph Centorino, along with a Jan. 27 memoranda from GHANY to City Attorney Regine Monestime (hereinafter "MONESTIME") sparking this preliminary investigation on Feb. 17, 2015.

### *Interviews:*

**TANYA WILSON-SEJOUR, Planning Director, City of North Miami**, declined repeated requests for interviews.

The public record, however, indicates that WILSON-SEJOUR, represented by attorney Gennaro Cariglio Jr. (hereinafter "CARIGLIO"), settled her issues with the city at a meeting on Feb. 9, 2015, attended by City Manager GHANY and City Attorney MONESTIME and detailed in a memoranda dated Feb. 10, 2015 co-signed by MONESTIME and CARIGLIO. (See the Document below for more detail on the settlement terms)

Two days later, on Feb. 12, 2015, WILSON-SEJOUR sent a short note to City Attorney MONESTIME

formally withdrawing her complaint. In the note, WILSON-SEJOUR states that that she is “comfortable with the assurances” made to her that she will “have the ability to perform” her duties and responsibilities without interference or disruption from any member of the City Council. The original settlement document clearly states – in Paragraph 5 on Pg. 2 -- that WILSON-SEJOUR reserves the right to reinstate the formal complaint and take whatever legal action she deems necessary if the city fails to meet these terms, or in the event of any type of retaliation.

***Document/Audio/Video Review***

Letter dated Jan. 20, 2015 from WILSON-SEJOUR to City Manager GHANY, mentioned above in the Interviews section as the original complaint.

***Document/Audio/Video Review***

Letter dated Feb. 10, 2015 from WILSON-SEJOUR’s private attorney, CARIGLIO, to City Attorney MONESTIME, detailing terms hashed out at a Feb. 9, 2015 settlement conference. [Please see the document for more details]

***Document/Audio/Video Review***

Note dated Feb. 12, 2015 from WILSON-SEJOUR to City Attorney MONESTIME, acknowledging the terms negotiated at the Feb. 9, 2015 settlement conference and formally agreeing to drop the complaint. [Please see the document for more details]

***Document/Audio/Video Review***

Memorandum dated Feb. 17, 2015, from MONESTIME to GHANY explaining that WILSON-SEJOUR has formally withdrawn her complaint. [Please see the document and attachments for more detail]

***Document/Audio/Video Review:***

Memorandum dated Feb. 17, 2015, from City Manager GHANY to SUBJECT (and cc’d to City Attorney MONESTIME) detailing:

- The settlement terms between WILSON-SEJOUR and the city;
- Prospective new policies aimed at improving the flow of information and communication between the elected council members and the city administration, and,
- Providing an opportunity for council members, including SUBJECT, to participate in annual ethics training to ensure compliance with all rules and regulations pertaining to good government.

[Please see the document, bearing many of the same attachments, for more detail]

***Document/Audio/Video Review:***

Email dated March 9, 2015, from City Manager GHANY to all North Miami department heads explaining the new policies aimed at improving communication between elected council members and city department heads, and making sure that the City Manager is always informed, in advance, of the contact.

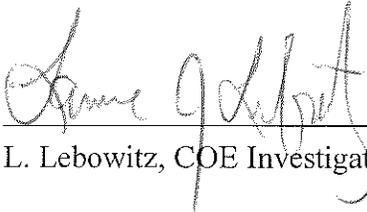
**Document/Audio/Video Review:**

Memorandum dated April 1, 2015, from City Attorney MONESTIME to City Manager GHANY (and cc'd to SUBJECT) where SUBJECT submitted a \$750 invoice to the city for direct payment of reimbursable legal expenses owed by SUBJECT to private attorney Benedict Kuehne (hereinafter "KUEHNE"). A copy of KUEHNE's March 17, 2015 invoice is attached. It does not provide detail indicating what services were provided beyond an unspecific "Ethics Complaint" that was never filed. This investigator confirmed that the city paid the \$750 fee.

**Conclusion(s):**

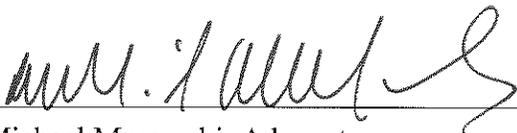
This personnel matter was settled internally. The employee was represented by counsel, who negotiated the settlement terms, which included the employee formally withdrawing the complaint. There is no actionable offense to justify a formal investigation that would ultimately seek to secure a finding of probable cause and/or the filing of a formal complaint. Recommend that this file be closed with no further action.

(Signature)

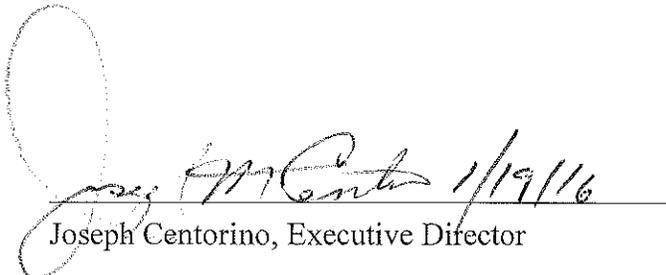


L. Lebowitz, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director