



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

Investigator: Larry Lebowitz

Case: PI 15-035	Case Name: Pizzi	<u>Date Open:</u> 7/18/2015	<b>CASE</b>
<u>Complainant(s):</u> Self-generated (COE)	<u>Subject(s):</u> Michael Pizzi	<b>CLOSED</b> Date: 10/27/16	

**Allegation(s):**

Potential exploitation of official position where Mayor of Miami Lakes causes a one-car accident and flees the scene but the accident results in minor charges

**Applicable Law:**

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

(g) *Exploitation of official position prohibited.* 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

**Investigation:**

**Interviews**

**Miami-Dade Police Det. Oscar Perez (Badge #7738)**

In response to subpoenas, Detectives Perez and his partner, Det. Wanda Milian, testified separately, under oath, on Nov. 11, 2015 at the COE offices. Statements were taken by Investigator Lebowitz with Advocate Murawski present.

On the evening of June 15, 2015, veteran Traffic Homicide Unit Detectives Oscar Perez and Wanda Milian were assigned to respond to a one-car accident that had occurred around 8:20 PM on NW 82<sup>nd</sup> Avenue and Commerce Way (aka NW 140 Street) in Miami Lakes. According to initial reports,

Detective Perez testified that the driver had struck a tree in the swale and fled the scene on foot. Blood was found at the scene.

When the case initially was called into 911, uniformed MDPD patrol units from the Miami Lakes substation responded. The uniformed officers subsequently asked for Traffic Homicide because they found blood in and around the car and the driver had initially fled the scene. Perez explained that Traffic Homicide is usually asked to take jurisdiction with major vehicular incidents including hit-and-runs involving personal injury and/or large-scale property damage.

By the time Detectives Perez and Milian arrived, the driver, Miami Lakes Mayor Michael Pizzi had returned to the scene. A patrol officer told Detective Perez that Pizzi had returned several minutes prior to the arrival of the Traffic Homicide detectives.

Detectives Perez and Milian testified that the black, 2014 Kia Optima sedan, registered to Pizzi, was in the swale, next to a tree, with noticeable front-end and windshield damage; blood drops were seen on the driver's seat, floorboard, the driver's door and on the roadway next to the driver's door.

Pizzi voluntarily gave a brief, taped unsworn statement, refused medical treatment, and was given permission to leave the area to make arrangements to have his vehicle towed to a repair shop. After the interview was over, Pizzi removed a baseball cap he was wearing and the detectives noticed a small laceration on his forehead.

Detective Perez testified under oath that he was not influenced in any way, shape or form by any supervisors or other outside parties because the subject of the investigation was the elected mayor of Miami Lakes.

Detective Perez said he was unaware that Pizzi was even the driver of the subject vehicle until Detectives Perez and Milian had arrived at the scene, and they were informed by the uniformed patrol officer that Pizzi had just returned from a nearby, undisclosed location with an unidentified friend.

Detective Perez said he didn't smell any alcohol on Pizzi and nothing in his brief encounter with Pizzi would have given him any reason to suspect that Pizzi had been operating under the influence of alcohol or a controlled substance.

Detective Perez's report concluded that Pizzi voluntarily returned to the scene; did not show any signs of impairment (alcohol odor, slurred speech, unsteady gaze or bloodshot, watery eyes); and cooperated fully with the investigation by providing a statement. Additionally, no other parties were involved in the crash.

Based on those facts, Detectives Perez and Milian concluded that the incident did not meet the criteria for a hit-and-run crash. Detective Perez consulted by phone with the on-duty Assistant State Attorney, Denise Georges, and she concurred with his assessment that the crash didn't rise to the level of a hit-and-run.

The case was handed back to the patrol officers. A Florida Traffic Crash report was prepared by MDPD Officer Christopher Rivera (Badge ID# 8130) who arrived at the scene approximately two hours after the initial crash.

[For further information, please consult the taped interview of Det. Perez, which was burned to a disc and included in the "DOCUMENTS" portion of this report]

*Interviews:*

**MDPD Detective Wanda Milian, (Badge ID #3424)**

Det. Milian testified separately, under oath, on Nov. 11, 2015 at the COE offices. Statements were taken by Investigator Lebowitz with Advocate Murawski present.

Detective Milian's version of events was very similar to the version told by her partner, Detective Perez. They arrived at the interview in separate vehicles. She was in the vehicle when Pizzi was briefly interviewed and is heard on the tape asking follow-up questions.

It should be noted that Detective Milian is a certified Drug Recognition Expert. Like her partner, she noticed nothing indicating that Pizzi was impaired at the time of his voluntary, taped, unsworn statement.

She testified that neither she nor Detective Perez provided Pizzi any special treatment, nor were they instructed to handle the case differently because of his elected office.

[For further information, please consult the taped interview of Det. Milian, which was burned to a disc and included in the "DOCUMENTS" portion of this report]

*Document/Audio/Video Review*

Cover letter dated Aug. 3, 2015 from Scott McNerny, Director, Office of Executive Investigations, Florida Department of Law Enforcement to Alex Rey, Town Manager, Town of Miami Lakes.

All documents were requested from FDLE after it closed its initial investigation of the incident, which was requested by a majority of Pizzi's colleagues on the Miami Lakes Town Council. "Based upon the OEI's preliminary review of the MDPD's investigative documentation and recordings, contact with the State Attorney's Office, and a review of available media reports, FDLE has decided at this time not to conduct an investigation of Mayor Pizzi's single-car traffic crash," McNerny wrote.

*Document/Audio/Video Review*

FDLE Investigative Report EI-73-8598 conducted by Inspector Keith Alan Kameg summarizing the Office of Executive Investigations independent inquiry of June 15, 2015 crash requested by the Town of Miami Lakes.

*Document/Audio/Video Review*

Miami-Dade Police Department audio files (2) culled from dispatch tapes on the night of June 15, 2015, regarding the one-car accident on NW 82<sup>nd</sup> Avenue near Commerce Parkway. Digital files obtained from FDLE.

The tapes indicate two separate calls from a local businessman who contacted police immediately after the accident occurred and described a white male fitting Pizzi's description running from the scene, face bloodied, past a surgical center and a fire station where he could have theoretically received treatment.

*Document/Audio/Video Review*

Miami-Dade Police Department audio file of brief taped statement given by Mayor Michael Pizzi to MDPD Detectives Oscar Perez and Wanda Milian on the night of June 15, 2015.

Pizzi, in a rambling statement, admitted that he was very tired after working long hours on municipal business in both Miami Lakes and Opa-locka, and driving distracted by messages on his Smartphone. He said he may have seen an animal cross his path, causing him to swerve into the tree.

The officers did not ask him why he initially fled and then returned to the scene. The officers did not ask Pizzi where he went when he fled the scene. The officers did not interview, nor asked for the name of, the white male friend who returned to the scene with Pizzi.

Digital file obtained from FDLE. An unofficial transcript of the statement was prepared by Investigator Lebowitz and included in the file.

*Document/Audio/Video Review*

Miami-Dade Police Department final report of incident by patrol officers who charged Pizzi with minor traffic violations. State of Florida Traffic Crash "long form" PD150615221286, HSMV Crash Report Number 85670683, written by Officer Christopher Rivera (Badge ID#8130).

The units that responded to the scene included Officer R. Perez (Badge ID#7773), Officer D. Rios (Badge ID# 7623), Sgt. E. Ruesga (Badge ID# 1930) and acting Major J. Montgomery (Badge ID# 1112).

Report obtained from FDLE.

*Document/Audio/Video Review*

FDLE case number MI-73-2092/256, documenting an anonymous call to the FDLE Miami Regional Operations Center on June 17, 2015, two days after the accident.

The call was memorialized by Special Agent Supervisor Addy Villanueva and forwarded per her chain of command. SAS Villanueva discussed the allegations in a conference call with MDPD Chief Alfredo Ramirez and Deputy Director Juan Perez. The information was subsequently forwarded to MDPD for their review.

In summary, the anonymous tipster alleged that:

- Pizzi had been drinking on the night of June 15 at a local bar, Cancun Grill, and that Pizzi was a regular at the establishment;
- Pizzi contacts MDPD Major Richard Amion "every time he gets in trouble" or has an issue with police;
- After returning to the scene, Pizzi reportedly told one of the officers that he was so upset about the accident that he left the scene and had a few drinks to settle his nerves;
- At the scene, Pizzi contacted (County Commissioner) Esteban Bovo and Frank Bocanegra, a retired MDPD major who later worked as a city manager in Miami Lakes and is now an attorney in private practice.

Some of these allegations were later reported by a local television reporter quoting anonymous sources. The FDLE report, and copies of the press clippings, obtained from FDLE.

**Conclusion(s):**

Several potential angles may have existed at the time that weren't fully explored: Why did Pizzi initially flee the scene? Why weren't the witnesses who called 911 located and interviewed? Who was the unidentified friend who brought Pizzi back to the scene and why wasn't that friend identified or interviewed?

But from the COE's perspective, there is no evidence that Pizzi, or anyone else, "made a call" on his behalf, trying to influence the Miami-Dade Police Department's investigation into the one-car accident on the night of June 15, 2015.

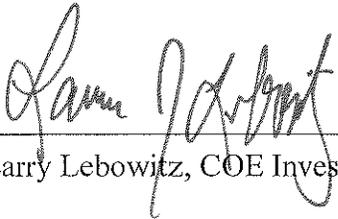
There was no "Don't You Know Who I Am?" moment. The lead detectives testified, under oath, that nobody tried to influence or guide their investigation. Neither of the detectives were even aware that Pizzi was the driver who had fled the initial accident until they arrived and encountered him at the scene. They essentially treated it like any one-car accident with no bodily injury and minimal property damage, where the driver provided a voluntary statement, refused medical treatment and showed no obvious signs of impairment.

At this phase, based on the evidence in hand, there is no need to dig through Pizzi's cell phone records, or try to identify and interview the friend who brought him back to the scene. Aside from the anonymous tipster to FDLE, no witnesses have come forward claiming to have seen Pizzi drinking that night in a very popular, often-crowded, public establishment.

Nor has anyone given any indication that Pizzi, or his political and law enforcement friends named in the anonymous tip to FDLE, used any influence to thwart the investigation.

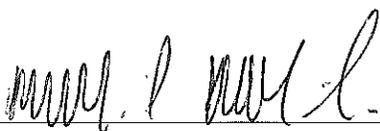
This matter could be reopened in the event of the receipt of new, or conflicting information. At this point it is recommended that this preliminary inquiry be closed.

(Signature)



Larry Lebowitz, COE Investigator

Approved by:



Michael Murawski, Advocate

