



Miami-Dade Commission on Ethics & Public Trust
Investigative Report

Investigator: Larry Lebowitz

Case: PI 15-056	Case Name: Joseph, Desulme	Date Open:	
Complainant(s): Valria C. Screen	Subject(s): Smith Joseph Alix Desulme	12/18/2015	CASE CLOSED

Allegation(s):

Potential Sunshine Law violation by Mayor of North Miami and at least one City Councilman regarding the abortive hiring of a new City Attorney. In late November, city announced that it had offered the job to the Complainant, but essentially rescinded the offer, and started a new selection process, after rejecting Complainant's contractual terms at a subsequent special meeting in mid-December. The would-be City Attorney later alleged that the state Open Meetings Law may have been violated by two or more Council members

Applicable Law:

Fla. Stat., 286.011 - Public meetings and records; public inspection; criminal and civil penalties --

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.



Investigation:

Interviews

Valria C. Screen, 1560 NW 134th Street, North Miami 33167; interviewed by phone Jan. 14, 2016

Ms. Screen was selected in mid-November to succeed Regine Monestime as the next North Miami City Attorney. She was offered the job in late November 2015. But at a special city council meeting on Dec. 16, the offer was essentially rescinded when several council members balked at her proposed contract terms.

In a phone interview, Ms. Screen said she was told by a friend, blogger Vanessa Woodard-Byers of Bloggingblackmiami.com, that North Miami Mayor Smith Joseph and Councilman Alix Desulme both attended a holiday season event sponsored by the local chapter of the NAACP that occurred just prior to the Dec. 16 special council meeting. Ms. Screen has no direct proof that Joseph and Desulme actually discussed her pending employment matter at the NAACP event or anywhere else.

Also, some of the actions taken at the Dec. 16 council meeting would contradict any theoretical plotting between Joseph and Desulme. During the meeting, the mayor volunteered that he had been looking at other attorney's resumes on his own and then made a motion for the city to hire Jeff Cazeau to the position even though Mr. Cazeau had not applied for the job, nor was he screened by the selection committee (Cazeau applied for the job when it was last open, in 2012). The mayor's motion to hire Cazeau died on a 3-2 vote; Desulme voted against the mayor, and was joined in the majority by Councilman Scott Galvin and Councilwoman Carol Keys. Councilman Phillippe Bien-Aime joined the mayor in backing Cazeau.

Screen further confirmed that she has hired outside counsel (William Amlong of Fort Lauderdale), who specializes in labor and employment discrimination litigation to represent her interests.

Interviews:

**Scott Galvin, North Miami City Councilman
Interviewed by phone on Dec. 22, 2015**

Galvin supported the hiring of Screen, and was critical of the mayor at the Dec. 16 meeting for vetting candidates on his own, outside the prescribed selection process, and trying to ram his preferred nominee, Cazeau, through the council.

While Galvin said he was suspicious of outside lobbying forces pushing the mayor to reject Screen in favor of Cazeau, a Haitian-American candidate who hadn't even applied for the job, or been screened by the selection committee, he had no indication whatsoever that the Sunshine Law had been violated prior to the meeting by two or more Council colleagues.

Document/Audio/Video Review

Watched the relevant portions of the Dec. 16 video from the North Miami City Council special meeting

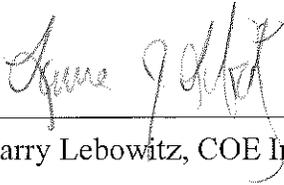
Document/Audio/Video Review

Miami Herald news clippings dated Nov. 25 and Dec. 17 and two items from VotersOpinion.com written by activist-blogger Stephanie Kienzle dated Nov. 25 and Dec. 16.

Conclusion(s):

Beyond some very thin second-hand supposition, there is no evidence that a Sunshine violation occurred here. The complainant has hired outside counsel to address the potential labor law issues. This preliminary inquiry should be closed. There is no need to expend any additional resources converting it to an investigative "K" file or pursuing a probable cause finding or formal complaint.

(Signature)

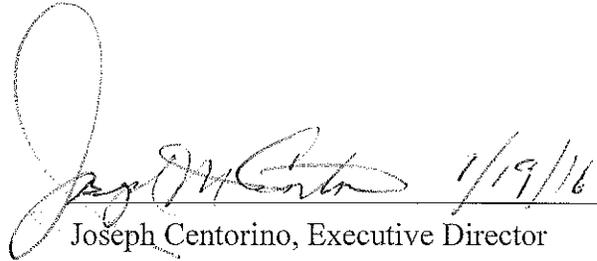


Larry Lebowitz, COE Investigator

Approved by:



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