



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Nilda Olmo

Case: PI 16-18	Case Name: Censure Resolution North Bay Village	Date Opened: 04-27-16	
Complainant(s): Robert L. Switkes & Associates, P.A. (North Bay Village Attorney)	Subject(s): Connie Leon-Kreps. Censure Resolution North Bay Village	Date: 10/25/16	

CASE CLOSED

Allegation(s):

COE received a letter from North Bay Village Attorney Robert L. Switkes regarding Censure Resolution, No. 2016-20. The Village Commission censured Mayor Connie Leon-Kreps (Kreps) for violation of decorum and conduct unbecoming a member of the Village Commission by making false and misleading comments during the March 8, 2016 Commission Meeting. The resolution was introduced by Commissioner Richard Chervony.

Relevant Law:

Miami-Dade County Home Rule Charter, Citizens' Bill of Rights, Section (A)(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

Connie Leon-Kreps (Kreps)
Mayor, North Bay Village

Kreps was contacted subsequent to review of the March 8th Commission Meeting. Although she voluntarily agreed to briefly discuss the incident and allegations brought forth by Commissioner Chervony, she advised she had retained Ben Kuehne to provide her with legal representation.

Kreps stated that an argument ensued when an item was brought up on the dais regarding whether the Commission should discuss and/or be advised prior to the award or recognition be given out to individuals or organizations on behalf of the Village. There was a disagreement as to the process or procedure in place for awarding proclamations, awards and particularly, keys to the City.

Kreps mentioned a need for better communication between the Commission and the Administration. She further suggested for the City Attorney to reach out and check with other cities regarding rules and regulations and the item would be discussed, at the following meeting.

North Bay Village did not have a procedure in place detailing who would be honored or awarded without needing prior approval or notification from the Commission as a whole. The heated argument quickly escalated resulting in Kreps expressing her frustration and disappointment on how the incident was handled. She stated she felt "attacked" by the Commission. She continued by saying that it was looking like a pattern and she felt like they (Commission) were all acting in collusion and conspiracy.

Kreps questioned and referred to the April 12, 2016 agenda, items 12E, 12F and 12H, describing it as a "coincidence" that basically every Councilperson sponsored some type of resolution establishing a Village Commission policy and procedures regarding awards and proclamations.

Kreps accompanied by her attorney, Ben Kuehne, provided us with a voluntary statement. She requested that her statement be part of the final report. Kreps assured that she never intended to accuse the Commission of violating the Florida Sunshine Law. She mentioned that she felt attacked by the Commission and was simply expressing her frustration and feelings at the time.

Jorge Gonzalez (Gonzalez)
Vice-Mayor-North Bay Village

Gonzalez voluntarily agreed to speak to this Investigator and stated that, prior to the incident in question, he always maintained a cordial relationship with Kreps, although they did not always agree on certain issues.

Gonzalez mentioned that the censure stemmed from a March 8th Commission meeting when the Commissioners expressed disagreement over procedures regarding the presentation of awards.

In this instance, Kreps had given the key to the city to the city to Tony Limas, Executive Director for SAVE (South Florida LGBT advocacy group). Gonzalez added that the organization (SAVE) had previously endorsed Kreps.

Furthermore, Gonzalez stated that being an election year, they have to be careful on how they proceed with giving out awards and proclamations so the public does not perceive it the wrong way.

The discussion escalated and he mentioned that he was “personally called out” by Kreps and accused of collusion and conspiracy as were the rest of the Commissioners. He further stated that Kreps continued to bash and express negative comments towards all the Commissioners. Gonzalez believes the strong accusations and harsh treatment are unbecoming of an elected official and Kreps should have retracted her accusations.

On the April 12th Commission meeting, Gonzalez observed that the meeting was packed with Kreps supporters who obviously sided with her and expressed negative comments against the Commissioners. He expected Kreps to offer an apology for her behavior and accusations from the previous meeting, but instead, she took a harsher stand. He feels she should have been more contrite.

Dr. Richard Chervony
Commissioner, North Bay Village

Chervony voluntarily agreed to speak to this Investigator and mentioned he personally disagreed with the award given out to Jose Pinto due to the fact that he had previously received an award and had also been given \$5,000.00 to repair the “John F. Kennedy bust” a second time. Chervony also disagreed with Kreps giving out the key to the City to Tony Lima from S.A.V.E. He further stated that, although a procedure is not in place regarding honoring or giving out awards or key to the City, the Commission should, as a whole be able to agree and decide who gets the awards, and a key to the City, in particular, should only be given out to those that deserve that high honor, especially now that elections are approaching.

Chervony expressed his disappointment when two individuals that held a vigil for the victims in the Paris attack only received a standing recognition. He felt they should have received at least a certificate. He further stated that rules should be created such as those in place in Doral and City of Miami Gardens to present awards and proclamations. The disagreement continued and led to a heated argument between the Commissioners and Kreps.

Chervony decided to introduce the Censure after Kreps accused him as well as all the other Commissioners of “conspiracy and collusion” at the March 8th meeting. He mentioned that Kreps opened the April meeting reading a statement about how she was attacked by the Commission and refused to apologize. He was expecting a retraction and instead, she packed the meeting with her supporters.

Eddie Lim (Lim)
Commissioner, North Bay Village

Lim voluntarily agreed to speak to this Investigator and provided the following information. Lim agreed with Chervony regarding the importance of who should be given the key to the City and mentioned that North Bay Village had never issued a key.

Upon noticing the item on the agenda, he contacted the Florida League of Cities and spoke to them with regards to policies and procedures on awarding awards and proclamations. The League mentioned that, if it is a strong Mayor form of government as well as a strong City Manager, they have the right to issue any type of proclamation but with the consensus of the Commission.

Lim stated that the value of the Key to the City should not be diluted and awarded solely to individuals and entities that made a major contribution to the city.

Lim mentioned that Kreps blamed the Administration and the Legal Department for not advising her properly and then accused the Commission of colluding against her. He feels she was out of order and her strong words directed to each and every one of the Commissioners were improper. Lim does not understand what sparked the outburst or her refusal to withdraw her statement even though he had asked her to do so several times. Instead, she accused the staff and each Commissioner individually by name, of acting in collusion.

Lim further stated that on the following Commission meeting on April 12th, the room was full of Kreps supporters and she again had the opportunity to retract her accusations, to no avail.

The Commission voted 3-1 to sustain the Censure. Lim voted against the Censure saying he wanted to be the "peacemaker." He feels Kreps' apology would have resolved the issue.

Andreana Jackson (Jackson)
Commissioner, North Bay Village

Jackson was interviewed and provided the following to this Investigator. She felt it was unfair and offensive for Kreps to blame the staff for their miscommunication.

As for the censure, she voted to sustain the censure because she feels Kreps' strong comments were very offensive to her as well as the rest of the Commission. She expected the Mayor to retract her statement and believed that an apology was in order.

Jackson mentioned that on the April 12th meeting, Kreps gave her opening statement but never apologized. In fact, she filled the room with her supporters. Furthermore, Jackson stated that when Kreps was given the opportunity to retract her statements, she chose not to, even after Lim asked her numerous times.

Jackson stated that Kreps has a history of saying things without thinking. She also mentioned that Kreps "ignores her at times". On this particular meeting she mispronounced her name.

Jackson feels, the censure could have been avoided if Kreps simply apologized when first asked to do so and then after several other opportunities during the March as well as the April meetings.

Documents/Video Review:

- Videos- Relevant portions of the North Bay Village Council Meetings 03/8/16 and 04/12/16 were reviewed.
- Agendas and Minutes reviewed (03/08/16 and 04/12/16).

Conclusion:

Pursuant to the interviews, video recordings, agendas, and minutes reviewed, it appears that Mayor Leon-Kreps, in statements made at the March 8, 2016 Commission meeting, was expressing her feelings and frustration and stating her opinion regarding issues raised during the meeting. Such expressions or opinions do not rise to the level of furnishing false information on a public matter, or knowingly omitting significant facts when giving requested information to members of the public. An expression of feeling or the statement of an opinion is not a statement of fact and cannot be the basis of an intentional falsehood.

Staff Attorney Turay advised that no further action will be taken since there does not appear to be any violation of Miami-Dade County's Citizens' Bill of Rights. Accordingly, it is recommended that this case be closed.

(Signatures)

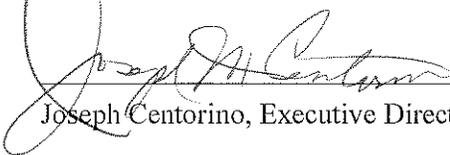


Nilda Olmo
COE Investigator

Approved by:



Radia Turay, Staff Attorney



Joseph Centorino, Executive Director

10/25/16

Date