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DADE COUNTY, FLA.  
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**MIAMI-DADE COUNTY  
COMMISSION ON  
ETHICS & PUBLIC TRUST**

**In re: FRANTZ PIERRE**

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**C 07-30**

**PUBLIC REPORT AND FINAL DISMISSAL ORDER**

COMPLAINANT Stephanie Kienzle, in her capacity as Director of Smart Growth NMG, Inc., filed the above-referenced COMPLAINT against RESPONDENT Frantz Pierre, a City of North Miami Beach Councilmember. The COMPLAINT alleged that the RESPONDENT violated the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance at § 2-11.1 (d), *Further prohibition on transacting business with the County*, and at § 2-11.1 (g), *Exploitation of Official Position Prohibited*. Specifically, on October 2, 2007, RESPONDENT Pierre voted to approve Ordinance No. 2007-12, which was drafted to end a lawsuit seeking to force the City to maintain current height and density restrictions. At the time of the vote, RESPONDENT Pierre was a named plaintiff in this lawsuit.

On October 24, 2007, the Commission on Ethics found the above-referenced COMPLAINT to be legally sufficient. On December 19, 2007, the Commission on Ethics dismissed the COMPLAINT at the recommendation of the ADVOCATE for lack of probable cause. Legal precedent in Florida holds that ideological gains are not the kind of special benefit that disqualifies an elected official from voting. An Ethics Commission

investigation revealed that City Ordinance 2007-12 did not result in any pecuniary gain to the RESPONDENT or to any other plaintiffs.

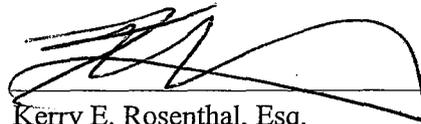
Therefore it is:

**ORDERED AND ADJUDGED THAT** the COMPLAINT is hereby  
DISMISSED.

**DONE AND ORDERED** by the Miami-Dade County Commission on Ethics &  
Public Trust in public session on ~~December~~ 19, 2007.

MIAMI-DADE COUNTY COMMISSION ON  
ETHICS & PUBLIC TRUST

By:



Kerry E. Rosenthal, Esq.  
Chairman