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MIAMI-DADE
COMMISSION ON ETHICS & PUBLIC TRUST

CLERK OF THE BOARD
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CLERK OF THE BOARD
MIAMI-DADE COUNTY, FLORIDA

In re:
Kristen Rosen-Gonzalez

C 17-38

PUBLIC REPORT AND FINAL ORDER

Frank Kruszewski (Kruszewski), a private citizen, filed the above-referenced complaint against Respondent, Kristen Rosen-Gonzalez (Rosen-Gonzalez), a Commissioner in the City of Miami Beach. Kruszewski alleged that Rosen-Gonzalez exploited her official position in order “to influence, redirect or otherwise interject herself into an ongoing criminal investigation” to help a friend, Erik Agazim (Agazim) by re-directing the investigation at Kruszewski.

Investigation determined that Rosen-Gonzalez received a text at approximately 4 AM, from Agazim with what later was determined to be inaccurate information, implying that Kruszewski had contacted the police and informed them that Agazim, dressed in combat gear (snapshot provided), was going to commit a crime or kill people. Agazim asked Rosen-Gonzalez in the text if there was something she could do. The following morning, Rosen-Gonzalez, who was out of town, emailed Police Chief Dan Oates (Oates), copying City Manager Jimmy Morales (Morales), reciting the content of Agazim’s text and: vouching for Agazim’s character; stating that he should not be questioned because he’s not a threat since he was only going to his place of business to protect it from looters; requesting confirmation that the police were not after Agazim; and, suggesting that if anyone should be arrested, it should be Kruszewski.

The Commission determined that Rosen-Gonzalez used poor judgment in emailing Oates instead of simply forwarding Agazim’s text, however, there was insufficient evidence to conclude that she made a deliberate attempt to use her position through direct or indirect intimidation, threat

or command and/or that such actions resulted in a benefit to Agazim. Rosen-Gonzalez's unsolicited communication did not prevent Agazim's arrest (which was completely unrelated to him wearing combat gear)¹ because his arrest was for criminal acts that Rosen-Gonzalez had no knowledge of at the time she sent the email(s) to the Chief and Morales. As soon as Rosen-Gonzalez was advised to stay out of the matter, she did so. Upon learning the truth about Agazim's actions, she immediately apologized to Kruszewski.

On March 14, 2018, in closed session, the Ethics Commission's Staff Attorney recommended a finding of No Probable Cause and a Letter of Instruction to Rosen-Gonzalez.

In open session, the Ethics Commission voted 3 to 1 to find No Probable Cause, dismissed the case and ordered the issuance of this Letter of Instruction.

Wherefore it is:

ORDERED AND ADJUDGED that COMPLAINT C17-38 against Respondent, Kristen Rosen-Gonzalez, is hereby dismissed and a Letter of Instruction is issued to Respondent.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on March 14, 2018.

MIAMI-DADE COUNTY COMMISSION ON ETHICS &
PUBLIC TRUST

By:



H. Jeffrey Cutler, Esq.

-Chair

Signed on this date: 03-21-2018

¹ Agazim was arrested for Criminal Mischief for destroying fire alarms with a machete at Sunset Harbour, an incident completely different than the one he texted Rosen-Gonzalez about.