

CLERK OF THE BOARD

2019 JUL 19 PM 1:49

CLERK, CIRCUIT & COUNTY CLERK
MIAMI-DADE COUNTY, FLA.
#1

FILE COPY

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST



In Re: Vincent Brown

C19-14-04

PUBLIC REPORT AND FINAL ORDER

This complaint was filed by Stephanie Kienzle (Kienzle), a private citizen, against the former City Attorney for the City of Opa-locka, Vincent Brown (Brown). Kienzle alleged that Brown violated the County Ethics Code when he advocated that the State Oversight Board should approve his city contract extension; when he recommended the City Commission vote against a resolution to look for a new attorney; and, when he prepared and executed his own severance package.

Investigation determined that Brown advised the City they needed to bring in outside counsel to advise them on his separation agreement. The Commission ultimately brought in Stephen Hunter Johnson, Esq. (SHJ) on a *pro bono* basis to do that.

SHJ negotiated with Brown on behalf of the Commission, although Brown did sign off on the memoranda. SHJ confirmed he did *pro bono* work for Opa-Locka, negotiating a severance agreement with Vincent Brown, served as counsel for the City's search committee for a new City Attorney and negotiated an agreement with the new attorney. He also prepared resolutions to go along with each step of the process. The resolution that was passed authorizing Brown's severance package was executed by SHJ, not by Brown.

On July 17, 2019, the Commission agreed with the recommendation of the Advocate that there was Probable Cause to sustain a violation of Section 2-11.1(g) and 2-11.1(n) of the Conflict of Interest and Code of Ethics. However, the Commission also agreed that the City retained independent counsel to advise them on the issues concerning Brown's contract and there was no evidence that, once independent counsel was obtained, Brown took any further official actions regarding his contract. Consequently, by January 17 of 2019, the City and Brown were acting in compliance with RQO19-01.

Considering the fact that there was no guidance issued to municipal attorneys on this issue prior to April 2019 and, considering that the City retained independent counsel shortly after Brown sent the two memos in question, the Ethics Commission dismissed the complaint and ordered a Letter of Instruction be issued.

Wherefore it is:

ORDERED AND ADJUDGED that COMPLAINT C18-08-01 is dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on this 17th day of July, 2019.

MIAMI-DADE COUNTY COMMISSION ON
ETHICS & PUBLIC TRUST

By:

H Jeffrey Cutler

H. Jeffrey Cutler

Chairman

07/18/2019

Signed on : _____