

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Public Hearing – In re: Frantz Pierre Complaint 16-34 May 24, 2018

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on May 24, 2018. Present were Chairman H. Jeffrey Cutler, Vice-Chairman Nelson Bellido, and Commissioner and Carol Zeiner. Also present were Joseph Centorino, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco and Radia Turay, Staff Attorneys; Rhonda Victor Sibia, Communications Director; Rachelle Ross, Executive Secretary; and other staff members; Valerie Vicente of the City of North Miami Beach; and members of the public. The meeting was called to order at 10:05 a.m. by Chairman Cutler. A quorum was present.

Michael Davis, attorney for respondent North Miami Beach Councilman Frantz Pierre, requested a continuance because one of his witnesses has “medical issues.” After discussion, Commissioner Bellido made a motion to deny the request. It was seconded by Commissioner Zeiner and unanimously approved (3-0).

Advocate Michael Murawski presented an opening statement regarding threatening actions taken by Councilman Pierre against a North Miami Beach code enforcement officer on the charge against Pierre of Exploitation of Official Position.

Commissioner Bellido asked if the respondent was planning to attend. Mr. Davis said he was caught in traffic. Chairman Cutler called a recess.

Councilman Pierre arrived and the hearing was called back into session at 10:33 a.m. Mr. Davis presented his opening statement.

Advocate Murawski swore in the first witness, Candido Sosa-Cruz, currently the Deputy City Manager of North Miami Beach, who served as the City’s Director of Code Compliance and Building Services at the time of the alleged incident, on April 30, 2015.

Chairman Cutler called a brief recess at 11:03. The hearing resumed at 11:10.

Attorney Davis cross-examined Mr. Sosa-Cruz, followed by a brief re-direct by Mr. Murawski.

Chairman Cutler called a recess for lunch at 11:58. The hearing resumed at 12:46 p.m.

Advocate Murawski swore in Tasheema Lewis, who currently serves as a Code Enforcement Officer in the City of Hollywood, but previously worked as a Code Compliance Officer for North Miami Beach. She testified on the actions before, during and after the alleged confrontation between her and Councilman Pierre in connection with her delivery of a hearing notice to the Councilman regarding code violations at his home in North Miami Beach.

Attorney Davis cross-examined Ms. Lewis and Vice-Chair Bellido followed up with several questions for the witness.

Advocate Murawski rested his case at 2:07 p.m.

Chairman Cutler called a brief recess at 2:08 p.m. The hearing resumed at 2:15.

Attorney Davis asked for a judgment to dismiss the complaint. Chairman Cutler denied the request.

Advocate Murawski swore in defense witness Pradel Vilme, who was then questioned by Attorney Davis about his whereabouts on April 30, 2015. Mr. Murawski cross-examined Mr. Vilme and Mr. Davis re-directed. Vice-Chair Bellido also questioned Mr. Vilme.

Advocate Murawski swore in defense witness Karry Joseph Pierre, the step-son of the respondent, who was questioned by Attorney Davis, then cross-examined by Mr. Murawski.

Chairman Cutler called a recess at 3:05 p.m. The hearing resumed at 3:16 p.m.

Attorney Davis moved that the Commission allow into evidence the deposition of Doris Hall, a defense witness who could not attend in person. Following arguments by Mr. Davis and Mr. Murawski, Ethics Commissioners excluded the evidence. Mr. Davis rested the defense at 3:30 p.m.

Mr. Murawski presented his closing argument, followed by Mr. Davis.

Ethics Commissioners discussed the definition of "exploitation," the standard of evidence, the credibility of the witnesses and the level of intention.

Commissioner Zeiner made a motion to find that Frantz Pierre intentionally exploited his official position in violation of Section 2-11.1(g). The motion was seconded by Vice-Chair Bellido and unanimously approved (3-0).

Attorney Davis requested a continuance of the sentencing phase. Chairman Cutler denied the request. Attorney Davis requested that Councilman Pierre be permitted to address the commission. He stated (not under oath) that he never had seen Ms. Lewis before the day of the hearing.

After discussion, Commissioner Zeiner made a motion to levy a \$1,000 fine, charge \$500 in investigative costs and issue a Letter of Reprimand to Mr. Pierre. The motion was seconded by Vice-Chair Bellido and unanimously approved (3-0).

There being no further business, the hearing adjourned at 4:26 p.m.



Prepared by Rhonda Victor Sibilia, Communications Director