

OFFICE OF THE INDEPENDENT ADVOCATE  
REPORT OF INVESTIGATION

K #: K09-114

Date Opened: 9/17/2009

Date Closed: 12/22,/2009

Name of investigator: Breno Penichet

**Allegation:**

**This Investigation is predicated upon information received in the form of an E-mail to Executive Director Robert Meyers alleging that Councilman Franz Pierre form the City of North Miami Beach, who boasted about voluntarily waiving all his medical Insurance, was in fact reimbursed \$10,000 for dental work.**

**The Law:**

Section 2-11.1 of the Code of Miami-Dade County, the County's Conflict of Interest and Code of Ethics Ordinance. (g) Exploitation of official position prohibited. No person included in the terms defined in Subsections (b)(1) through (6) shall use or attempt to use his official position to secure special privileges or exemptions for himself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners..

**Investigation:**

On 17 September 2009 COE Investigator Penichet received a copy of the E-mail in which it stated that Councilman Franz Pierre form the City of North Miami Beach, who

boasted about voluntarily waiving all his medical Insurance, was in fact reimbursed \$10,000 for dental work. The E-mail was sent to ASA Joe Centorino State Attorney's Office 11<sup>th</sup> Judicial circuit, by the prior Mayor of NMB Mr. Raymond Marin. Upon further reading of the information provided it appeared that it had come from a third party. COE Investigator Penichet conducted a records check and found three Miami Herald articles dealing with the issues raised by the e-mail. The articles discussed the pros and cons and the frustrations expressed by the voters over the issue of providing this benefit. The articles did confirm that the Council and the Mayor where entitled to the coverage although with the new Resolution they now get a flat salary and no other moneys or reimbursements. (See attached Articles)

COE Investigators A. Skinner and B. Penichet Interviewed Ms. Ellen Snow Assistant Human Resources Director, City of North Miami Beach. According to Ms. Snow a records search revealed that Councilman Pierre did not claim any dental benefit in the amount of \$10,000. According to Ms. Snow Councilman Pierre waived his participation and now under the new ordinance is not covered and would not be able to submit any bills for medical or dental treatment. Ms. Snow provided a copy of Resolution No. R2009-57 along with several memos of explanations. (See Attached)

**CONCLUSION:**

After discussing these facts with the Advocate it was decided by him that no violation of the Conflict of Interest and Code of Ethics ordinance occurred. Case closed