



Miami-Dade Commission on Ethics & Public Trust

Preliminary Inquiry Report

Investigator: Breno Penichet

Case No.: PI 13-017	Case Name: Miami Springs Police Department	Date Open:	Date Closed:
Complainant(s): Christina MacKenzie	Subject(s): Lt. Michael Cole and other unknown officers/ city employees	Sept. 11, 2013	Sept. 19, 2013

Allegation(s):

Complainant, Christina MacKenzie (MacKenzie) alleged that, Lt. Michael Cole (Cole) along with other City of Miami Springs Police Department (MSPD), employees, withheld public records, made false statements to an investigator from the Department of Children and Families (DCF), and other assorted violations of State or county laws.

Relevant Ordinances:

Exploitation of official position, Sec. 2-11.1(g), Miami-Dade Conflict of Interest and Code of Ethics Ordinance,

“No persons included in the terms delineated in Subsections (b)(1) through (6) and (b)(13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others...”

Citizens’ Bill of Rights, *Public Records*,

“All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public.”

Citizens' Bill of Rights, *Truth in Government*,

"No County or municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public."

Investigation:

Interviews

Christina MacKenzie
1250 Robin Ave.
Miami Springs, Fl. 33166
305-887-4150

On 9/19/13, MacKenzie voluntarily agreed to be interviewed telephonically and provide information concerning her complaint. MacKenzie advised that while reviewing paperwork produced as part of discovery in a legal proceeding, she noticed that the MSPD may have provided only certain records to DCF as a result of a public records request. MacKenzie advised that she filed a formal Internal Affairs (IA) complaint charging the MSPD personnel with the below listed violations:

1. Failure to respond to a Public Records request FSS. §119.07
2. False statements or false information to DCF Investigator FSS §837.055
3. Official misconduct FSS. §838.022
4. Failure to perform duties FSS.§839.24
5. Concealing records FSS.§918.13
6. Possibly conspiracy

MacKenzie advised that she feels some of the persons involved want to protect her brother's (James MacKenzie) ex-wife Rebecca Fields (R. Fields), due to the fact that her father John Fields was Mayor of the town at one time.

MacKenzie provided correspondence between her and the administration of the MSPD outlining in detail her complaint and the IA investigation that was conducted. MacKenzie was advised the paper work would be reviewed to determine if any further action would be taken.

Review of documents received

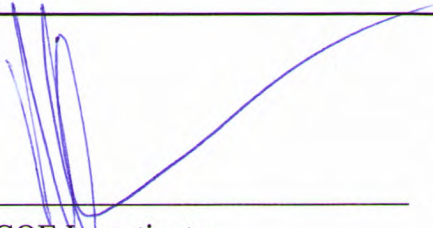
1. Letter dated June 7th, 2012, addressed to Captain Jonathan Kahn, MSPD, filing a formal complaint against Cole and other unknown officers and city employees. In the complaint MacKenzie sets forth the reasons she feels the matter should be investigated. Basically, MacKenzie charges that the staff of the MSPD misrepresented information to a DCF Investigator in order to protect R Fields.
2. Letter dated June 7th, 2012, addressed to Mayor Zavier Garcia and City Manager Ronald Gorland, advising of the intention to file civil action against the City.
3. Letter dated November 1st, 2012, addressed to MacKenzie from the Chief of Police advising MacKenzie of the results of the IA investigation including a copy of the final report. According to the investigation the complaint was "Not Sustained."
4. Letter dated July 31th, 2013, addressed to Captain Jonathan Kahn MSPD by MacKenzie responding to the IA Complaint report. In the letter MacKenzie rebuts the findings and revisits the allegations set forth in the original complaint.
5. Letter dated August 16th, 2013, addressed to MacKenzie from the Chief of Police advising MacKenzie that no further follow up will be conducted because he (the Chief) is satisfied with the investigation.
6. Legal document in case no. 12-15796 CA 10, Defendant's Motion for Extension of Time, in the case of Donald MacKenzie vs. John Fields and Rebecca Fields. According to MacKenzie, the document was signed by the City Attorney Jan K. Seiden for his Law Partner Robert Lithman. MacKenzie advised this could be a possible conflict. The lawsuit appears to be related to a divorce/child custody issue.

Conclusion(s):

As a result of the interview with MacKenzie, and the review of the documents provided, it appears that Lt. Michael Cole did not exploit his official position. Lt. Cole only became involved in his role as a supervisor, there is no proof that Cole attempted to help one side or the other. A review of the IA report revealed no evidence that anyone at the MSPD acted in an unlawful or illegal manner. Seiden's signature appearing on the motion in the civil case does not constitute a conflict. Seiden is a partner in the firm representing one of the parties in the civil lawsuit. Miami Springs is not a party to the civil lawsuit.

The investigation yielded no evidence that MacKenzie was not provided the public records she requested. Further, there is no evidence that MSPD members lied during the course of the investigation.

Advocate Michael Murawski advised that no further action would be taken since there does not appear to be any Ethics related violations. Accordingly, the above case is closed without further action.



Breno Penichet, COE Investigator

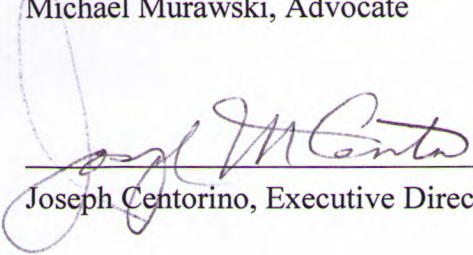
Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director



Date