



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigators: Manuel W. Diaz, Breno Penichet

Case No: K14-064	Case Name: Councilman Frantz Pierre - Travel	Date Open:	CASE CLOSED Date: <u>11/3/14</u>
	Subject(s): Frantz Pierre	7/14/14	

Allegation(s):

Information was received regarding a questionable payment of \$777.00 to NMB Council Member Frantz Pierre (Pierre). The payment was for meals and incidentals to Pierre while speaking at a management and leadership seminar in Haiti. An investigation was commenced to determine whether the seminar had occurred and whether the payment was justified.

Relevant Ordinances:

Miami Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1, Miami-Dade County Code

“(g) *Exploitation of official position prohibited.* No person included in the terms defined 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 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:

Interviews

Jose Smith (Smith), NMB City Attorney

Smith contacted the COE requesting an inquiry into the allegation from the Blog. Smith questioned if the use of NMB City funds to attend a conference in Haiti was appropriate under the definition of “public benefits,” established by the COE in its published document Guidelines and recommendations regarding “public benefit” clauses in certain government contracts. (Copy in file) Smith was particularly concerned whether Pierre’s attendance at the conference was part of his official/city business.

Ana M. Garcia (Garcia), NMB City Manager

Garcia was interviewed and advised as to the scope of the investigation. Garcia acknowledged that she knew of and approved the pre-trip payments to Pierre for attending a leadership and management seminar, as a speaker, in Haiti.

She confirmed that elected officials are covered by a City’s travel policy. Elected officials are required to turn in supporting documentation for any trips that they take. She did not know if Pierre submitted a Travel Authorization Form prior to his traveling.

Garcia was aware of a letter from the Mayor of Tabarre, Haiti, inviting Pierre to be a speaker at a conference in Haiti.

Garcia was candid and acknowledged that some elected officials do not complete the Travel Authorization Forms prior to traveling. If the Councilperson fails to submit the Travel Authorization Form, prior to travel, her assistant will contact the Councilmember and work with them, when they return, to insure that the travel documents are completed.

As far as she knows, Pierre was reimbursed correctly for the meals and incidentals. She did not know, at the time of the interview (July 2014), if he would request additional reimbursements for the trip.

Garcia was contacted in early August 2014. She had her staff provide the COE with copies of Pierre’ hotel bill and flight invoice filed by Pierre. (Copies in file)

Frantz Pierre, NMB Councilman

Pierre was contacted and advised of the scope of the investigation. He advised that he was invited to travel to Haiti to attend and speak at a leadership conference. He referred to a letter that had been sent to him by Geralde Zamor (Zamor), the Mayor of the City of Tabarre, Haiti. According to Pierrem, he discussed the trip with Garcia and gave her a copy of the letter. (Copy in file)

Pierre said that Zamor and other officials from Tabarre had attended a meeting held in NMB. Zamor invited Pierre to attend and speak at a leadership and management seminar in Haiti.

Pierre requested and received funds for meals and incidentals, before traveling, according to City Policy. He was in the process of turning in receipts to the City for his hotel stay and his flight to the City Manager's Office. Payments are made by the City directly to the vendors.

Pierre believes that his participation in the conference, as an elected official along with his experience in local government, benefited the Haitian public officials who attended the conference.

According to Pierre, he followed the guidelines of the City for travel.

He advised that he would try to locate a conference brochure. He would also attempt to obtain contact information for Zamor.

Pierre was subpoenaed to appear at the COE to provide a sworn statement on the trip. His statement mirrored the statement previously given to investigators. He added that since his initial interview he has made several attempts to contact Zamor, but has not been able to contact her. He learned that Zamor had been removed from office, by the Haitian Government. He does not know why.

Frantz attempted to obtain a conference brochure, but was unable to do so.

According to Frantz, each Councilperson is advised at the beginning of the budget as to the amount of funds available in their respective travel budgets. His travel to Haiti to speak at the conference was funded through his travel budget. His presentation at the conference explained the differences between the U.S. form of government and the Haitian form of government; valuable, according to Pierre, to those visiting the U.S. Frantz explained that he submitted all the required flight and hotel receipts to the City Manager's Office and, to his knowledge, all had been paid.

Two e-mails were sent to the reservations department at Hotel Club Indigo, Haiti. The Hotel did not respond. Two telephone calls were made to the reservation department of Hotel Club Indigo. The Hotel reservations desk did not answer. There was no voice mail.

The internet was researched in an attempt to locate Zamor. Her identity, as the Mayor, was confirmed. Several telephone calls to the telephone number on the letter inviting Pierre to speak were not answered.

Documents Reviewed:

Blog: Voter's Opinion, "Frantzie Watch: Livin' "Large on Our Dime" June 12, 2014.

Copy of a NMB # 960778 check for \$777.00 to Council Member Frantz Pierre.

Direct Payment Form – City of North Miami Beach, reflecting above payment.

Letter to Pierre from Zamor, inviting him to be a guest speaker at a seminar held at Hotel Club Indigo in Haiti.

Confirmation from Hotel Club Indigo to Pierre.

Invoice from Hotel Club Indigo for Pierre's stay.

American Airlines eTicket Itinerary & Receipt and Confirmation for Pierre.

American Airlines ticket reflecting Pierre's travel.

City of NMB Travel Policy effective November 7, 2012.

NMB Resolution NO. R20129-72.

Miami-Dade County COE - Guidelines and recommendations regarding "public benefit" clause in certain government contracts.

The NMB Travel Policy contains the following.

II. The policy applies to all City officials

IV B. A Travel Authorization form must be completed prior to the incurrence of any travel related costs. The authorization form should be completed in its entirety and include reasonable supporting documentation such as conference registration forms and agendas, hotel, airfare, meal allowance, car rental and mileage estimates.

IV C. Meals for international travel will be reimbursed in accordance with U.S. Department of State for foreign travel.

Letter from the Mayor of Tabarre, Haiti, inviting Pierre to speak at the seminar.

The letter is dated June 2, 2014.

The letter states that the seminar will be held at Hotel Club Indigo from Monday June 23rd until Friday June 27th.

The seminar workshops will be centered on Leadership and Management.

Conclusion:

It appears from information received in the investigation that Councilman Pierre was invited to speak at a "management and leadership seminar in Haiti. Since payment for the trip to Haiti taken by Pierre was approved by the City Manager, it would be difficult to sustain a violation for Exploitation of Official Position. The tacit approval of such questionable expenditures by policies approved by the City government of North Miami Beach provides a defense to an allegation that a Councilman intentionally misused City funds for a non-governmental purpose.

However, the lack of documentation of any verifiable benefit to the taxpayers of North Miami Beach as well as Councilman Pierre's apparent acknowledgement that the only public benefit accruing from the City's expenditure went to individuals in a foreign country, underscores the inappropriateness of this use of public resources in the City of North Miami Beach.

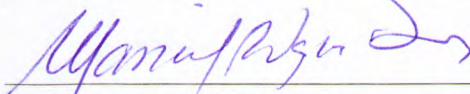
It is not unusual or inappropriate for a government entity to pay for one of its officials to attend a conference where they receive training and information that may benefit their constituencies, and where they interact with other similarly placed public officials to discuss issues of mutual concern. It is quite another thing for a City to pay for travel, lodging and related expenses for one of its officials to provide service training in a foreign jurisdiction that benefits only the recipients of that training.

In this country it is customary for a government entity itself to pay the expenses of persons who travel from distant locales to provide such services for that entity and its officials. Absent compelling circumstances, e.g., a cataclysmic event for which humanitarian aid may be provided by a government entity and also explicitly endorsed by the governing body of the

entity providing the services, it is generally recommended that government follow that basic policy.

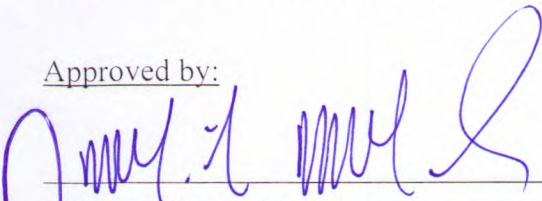
It is recommended that the City create a policy or revise its current policy that would clearly require that the City receive a tangible, verifiable benefit for such expenditures, as well as supporting documentation to justify such expenses. Allowing officials to use public funds to go on trips that are wholly personal in nature should obviously be prohibited. A policy allowing for no oversight or accountability in the expenditure of public funds for foreign travel is unwise and inconsistent with acceptable tenets of public service.

Accordingly, this matter is closed.

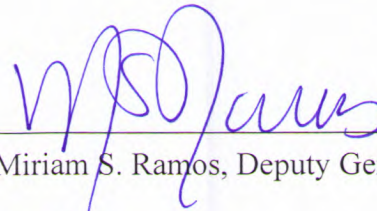


Manuel W. Diaz, COE Investigator

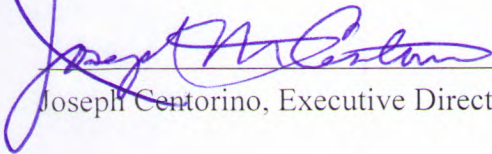
Approved by:



Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director

11/3/14
Date