

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

#K11-073

Date Opened: 08/17/11

Date Closed: 12/9/11

Investigator: Sylvia Batista

An article appeared in the Miami Herald on 08/16/11 involving the use of City of North Miami facilities by Mayor Andre Pierre (Pierre) and Councilwoman Marie Steril (Steril). According to the article, Pierre requested the use of the Gwen Margolis Center, a city recreation room, for “official city business” by holding a dinner to honor community leaders on 8/14/11. However, the event was largely a graduation party for several graduates of Florida International University’s nursing program, and was planned by Herby Dorval (Dorval), a Haitian radio host and Pierre supporter, whose wife was one of the honorees. Dorval told the reporter that Pierre gave him permission to use the facility for free, but that he would pay for the space in order to avoid controversy.

The article further informs that two North Miami police officers were made available to guard the event as were four (4) police explorers, who are volunteers with the North Miami Police Department. After the reporter made inquiries, Pierre gave the city a check for \$500 to cover the cost of the space. It should be noted that, contrary to Mayor Pierre’s assertion, his mere appearance at an event does not transform it into “official city business.”

The article also reports on Steril's use of the MOCA courtyard space to host a private fundraiser for her nonprofit organization, The Family Corners. The event was held on the night of 7/20/11. Steril had city staff members secure the space for her during working hours. According to the article, MOCA spokesperson Donna Fields advised that cultural and community groups can use MOCA for free on certain nights on a limited basis. Although the MOCA staff did not have most of the details about the event, Steril was allowed to use the space for free.

The COE examined these issues as they might relate to a violation of Section 2-11.1(g), *Prohibition on exploitation of official position* of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance.

Investigation:

A public records request produced a copy of Pierre's request to use facilities in which he reserves the Gwen Margolis Center for an "appreciation dinner for Community Leaders" planned for 8/14/11. The records request also produced a copy of a check from Pierre to the city in the sum of \$500 in payment for the use of the space.

E-mails produced by the City Clerk, responsive to COE's records request, confirm that the booking of Steril's event at the MOCA was requested by telephone by Natasha Colebrook-Williams (Colebrook-Williams), Constituent Services Coordinator in the Office of the Mayor and Council. In response to Colebrook-Williams's telephoned request, MOCA staff members communicated with each other on four (4) occasions in order to confirm the availability of the MOCA courtyard for Steril's event. Only one e-mail came from Colebrook-Williams, in which she thanked the MOCA staff member for reserving the courtyard for Steril's event. The e-mails reflect that there was one phone call from

Colebrook-Williams to MOCA and a return call. MOCA staff members were not given details about the purpose of the event. Attached to this report is a table containing the information regarding the e-mails.

An e-mail from MOCA informs that last year they began making their courtyard available to community groups without a usage fee if the event was held on an evening that MOCA is open to the general public. The MOCA is open to the general public on Wednesdays nights and on the last Friday of each month. Steril's event was held on a Wednesday night and was, therefore, free.

Stephen Johnson, City Manager -

On 10/21/11, COE Advocate and Investigator met with the City Manager Stephen Johnson (Johnson) regarding the process followed by the City in authorizing the use of City facilities at no charge. Johnson explained that he has been trying to develop a process whereby City officials can use City facilities a number of times per year at no charge. Johnson said that he wants to set the rules and regulations so as to avoid the perception of impropriety as was the case when the Mayor and Steril held their respective events. Another option would be for the official to request that the fee for the use of the facility be waived and let the council vote on it.

Johnson explained that under the previous system, if you wanted to reserve a space you filled out the form and submit it to Parks and Recreation, which would approve the request without making any inquiries.

Johnson said that if a non-profit comes to him and request to use a city facility for free, he would approve it if it was for a good cause. He recently approved an art exhibit to

be held at a city facility at no charge for four days. This will not cost the city any money since the air conditioning and lights are left on all the time.

Conclusion:

In light of the fact that the city's procedure for requesting use of city-owned facilities lacked virtually any oversight whatsoever, and that Mayor Pierre reimbursed the city for the rental of the space, there is insufficient evidence to support an ethics complaint being issued.

With regard to Councilwoman Steril, she should refrain from utilizing city staff to perform functions that her non-profit company ought to be performing. However, it appears that the amount of interaction between the city staff member and MOCA was so de minimus, that it does not warrant a complaint being filed.

E-mail communications re. Steril's reservation of the MOCA courtyard for The Family Corners event.

DATE	FROM	TO	DESCRIPTION OF E-MAIL
6/13/11	Bonnie Clearwater (MOCA)	Alan Waufle (MOCA)	Natasha called. Steril wants to talk to me. My phone is not working. Please call and see if you can help Steril or if they could send me an e-mail.
6/13/11	A. Waufle	B. Clearwater	Steril wants to use the Courtyard for July 20 th at night for a fundraiser for Haiti. Janis has reserved it pending your approval. Good to go?
6/13/11	B. Clearwater	A. Waufle	Re. Steril - OK to use courtyard.
6/13/11	A. Waufle	Natasha Colebrook-Williams; and jangle@mocanomi.org	Re. Steril – Bonnie says yes.
6/13/11	Natasha Colebrook-Williams	A. Waufle; and jangle@mocanomi.org	Re. Steril – Thank you, and sorry for rushing off the phone.