



Miami-Dade Commission on Ethics & Public Trust
Report of Inquiry

Investigator: Sylvia Batista

Case: PI17-025	Case Name: Connie Leon-Kreps.	<u>Date Opened:</u>	
Complainant(s): N/A	Subject(s): Citation issued to constituent.	06/13/17	CASE CLOSED

Date: 7/12/17

Allegation(s):

The COE received information from the Manager of North Bay Village, Frank Rollason (Rollason). Rollason asked for a determination of any possible ethics violation involving a request made by a constituent of Mayor Connie Leon-Kreps (Mayor Kreps) regarding a traffic citation. The constituent involved is Doris Hurst (Hurst), an elderly resident who was making her final preparations before departing on a month-long trip to Israel when she was stopped and issued the traffic citation.

Hurst hand-delivered an envelope to the Mayor Kreps enclosing the citation and a note asking that she "take care of this." Mayor Kreps hand-delivered the envelope to the Village Clerk and asked her to give it to Rollason. Rollason said that he discussed the situation with the Village Attorney, Bob Switkes, who advised that the matter be referred to the COE. Rollason explained that he felt compelled to refer the matter to the COE due to the Village's "Honor Code" passed on 03/14/17.

The COE initiated a preliminary inquiry in order to determine whether a violation occurred.

Relevant Laws:

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

No person included in the terms defined in Subsections (b) (1) through (6) and (b) (13) shall use of attempt to use his or her 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.

Interviews:

07/07/17 – Frank Rollason, Village Manager –

Rollason was contacted and asked about the status of the citation. Rollason said that he received the envelope with the citation and discussed it with the Village Attorney. They decided to give the citation to the Chief of Police who gave it to the issuing officer. The issuing officer, Norlan Benitez, delivered the citation to Hurst's home and spoke to Scott Dewey, a friend of Hurst who answered the door. The officer explained the options available to Hurst's friend and left. The options available to Hurst were to request an extension of time to pay the citation, or simply pay the citation. Requesting a court date was not one of the options available for this citation.

07/12/17 – Mayor Connie Leon-Kreps –

Mayor Kreps was contacted and asked about the matter. She did not know that the Village Manager had sent us the information on this matter and wanted to know why it was done. It was explained to her that the Village Manager forwarded the information to the COE because he was advised by the Village Attorney to do so, based upon the "Honor Code" recently passed by the Village Council.

Mayor Kreps advised that Hurst, who is in her eighties, put the citation in an envelope and dropped it off for her. She said that she didn't remember what the note said. Mayor Kreps said that she gave the envelope to the Village Clerk and asked her to give it to the Village Manager. She said her intention was to have the Chief of Police give the citation back to Hurst and advise her of her options so that she could handle it herself. The Mayor said that if Hurst would have been in town, she would have talked to her herself. For this reason, she gave the envelope to the Clerk so that she could give it to the Village Manager.

Document Review:

Mr. Rollason provided the following e-mails:

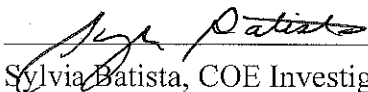
06/07/17 – E-mail from Officer Norlan Benitez to Lt. Brian Collins with a copy to the Chief of Police, Carlos Noriega. The e-mail includes an account of Hurst’s actions while driving, which included speeding, changing lanes without using her signals, and not wearing her seatbelt. Officer Benitez explained that Hurst stated that she was late for a doctor’s appointment. Officer Benitez said that he explained to Hurst that she had committed several traffic violations, however, he was only citing her for not wearing her seatbelt. Hurst informed the officer that she has been a resident of North Bay Village for forty years and that she knows the Mayor and Commissioners. Benitez said that he explained to Hurst, in detail, her options regarding the citation.

06/07/17 – E-mail from Lt. Brian Collins to Police Chief Carlos Noriega regarding the traffic stop on the day before. Collins advised that Officer Benitez delivered the citation to Hurst’s home and left it with her friend, Scott Dewey. Lt. Collins said that Officer Benitez explained the options available to Dewey, which were to pay the citation or request a court date, and the applicable timeframes regarding payment.

Conclusion:

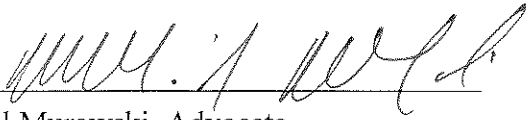
The evidence seems quite clear that an elderly, forty-year resident of North Bay Village who was leaving town for an extended period of time, decided to ask her friend, Mayor Kreps, to take care of her traffic citation for her while she was away. While it may have been her intent or expectation that Mayor Kreps would use her influence to affect the outcome of the ticket process, it is apparent that her leaving the citation with Mayor Kreps did not result in any such action.

Mayor Kreps acted appropriately in referring the matter to the Village Clerk and Manager. There is no indication that Mayor Kreps pressured anyone or used her official position to “fix” the ticket for Ms. Hurst. Due to the fact that neither the Mayor, nor anyone else took care of the citation for Ms. Hurst, it is our determination that no violation was committed by Mayor Kreps involving this matter. For this reason, the matter is closed and no further action will be taken.


Sylvia Batista, COE Investigator

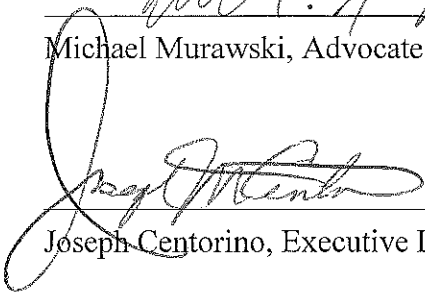
Date: 7/12/17

Approved by:



Michael Murawski, Advocate

Date: 7/12/17



Joseph Centorino, Executive Director

Date: 7/12/17