



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Karl Ross

Case: PI 17-028	Case Name: Comm. Michael Grieco/ Danila Bonini allegations	Date Open:	Date Closed:
Complainant(s):	Subject(s): Miami Beach City Comm. Michael Grieco	July 26, 2017	CASE CLOSED

Allegation(s):

Date: 1/26/18

Based on a published report, it was alleged Miami Beach Comm. Michael Grieco threatened to “get rid of his commission aide position” if Danila Bonini – the individual occupying that position – refused to take leave in order to work full-time on his campaign. Grieco had been running for Miami Beach mayor at the time, but later withdrew his candidacy.

According to the report, Grieco had told Bonini that if she didn’t leave willingly he would request that the position be defunded, leaving her without employment.

The report – based on a July 21, 2017, memo prepared by Elizabeth Wheaton, Chief of Staff to Miami Beach Mayor Philip Levine – raised additional questions about whether Ms. Bonini had been working on Grieco’s mayoral campaign during normal working hours.

The memo suggested that Bonini had been arriving to work late, leaving early, and was away from the office for extended periods of time during the day.

Relevant Ordinances:

Miami-Dade County Code, Sec. 2-11.1(g), *Exploitation of official position prohibited*, stating in applicable part that no person ... “shall use or attempt to use his official position to secure special privileges or exemptions for himself or others ...”

Florida Statute 104.31, titled *Political activities of state, county, and municipal officers and employees*, states in applicable part, subsection, (1)(d), that “No officer or employee of the state, or of any county or municipality thereof ... shall ... directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his or her salary, or any money, or anything else of value to any party, committee, organization, agency, or person for political purposes.”

The statute goes on to state in subsection (4) that “Nothing contained in this section or in any county or municipal charter shall be deemed to prohibit any public employee from expressing his or her opinions on any candidate or issue or from participating in any political campaign during the employee’s off-duty hours, so long as such activities are not in conflict ...”

Investigation:

Interviews

Danila Bonini, aide to Comm. Michael Grieco
City of Miami Beach, FL
August 9, 2017

Ms. Bonini appeared at the offices of the Miami-Dade State Attorney’s Office at the request of investigators, who contacted her following a media account of possible exploitation by Comm. Grieco with respect to her employment. She was accompanied by attorney J.C. Planas. ASA Timothy VanderGiesen, Chief of the SAO Public Corruption Unit, was the lead examiner. Also present were SAO Investigator Michael D’Ambrosia and COE Investigator Karl Ross.

Ms. Bonini advised she has worked for Comm. Grieco for the past seven years. Prior to his election in 2013, she said she worked at his law firm as a paralegal and office manager. She said she worked on his 2013 commission campaign, and joined him at Miami Beach City Hall as his commission aide thereafter, beginning in December of that year. She said she holds the same job title at present, and earns about \$65,000 a year in salary, not including benefits.

She said she has a close relationship with Comm. Grieco, but added, “He’s my boss ... I keep things very separate” between her personal and professional lives. She said she has not spoken to him about the SAO request for an interview, though Planas stated that Grieco was aware of the pending interview, adding that efforts were being made to “compartmentalize” things.

Ms. Bonini said she reports both to Grieco and Elizabeth Wheaton, Mayor Levine’s chief of staff. She said that she reports to Wheaton on personnel and administrative matters. She said that Grieco is the person who signs her leave slips and they are turned in to Wheaton.

ASA VanderGiesen asked Bonini to read an email from Wheaton to Mayor Levine dated July 21 that memorialized an alleged conversation on or about July 19. Ms. Bonini stated that “for the most part it’s correct,” with respect to Wheaton’s account of the conversation, though she added that parts of it were based on “something she overheard” and not her account.

ASA VanderGiesen asked her to describe in her own words the events leading up to that conversation with Wheaton. Bonini recalled that she did have a heated conversation prior to that with Comm. Grieco, adding that because it was an election year things were “a little intense.” She allowed that she had been planning to take a leave of absence from her city job and work full-time managing Grieco’s mayoral campaign effective August 1. She said she and Grieco had recently had a falling out because she decided not to accept the position.

Ms. Bonini said she notified Grieco of this during a phone conversation at about 7:30 a.m. on the morning of July 19, and that she went to see Wheaton when she arrived at the office at 8:45 to advise her of her decision not to work for the campaign and express her decision to stay on, if possible, as a city employee. She said she wanted Wheaton to know that she had not done any work of a political nature during regular city business hours. “Anything I did, I did on my own time ... I attended a couple of fundraisers.” She said she also participated in other campaign events such as a “walk and run” on a Sunday and did some canvassing on a Saturday, again on her own time, and that she did so on a voluntary basis. She said she canvassed on one occasion, the session lasting from about 10:30 a.m. to 1:30 p.m., and that she and about 25 other people took part in this activity under direction from Grieco.

In response to questions from ASA VanderGiesen, Ms. Bonini stated that she felt no pressure to work as a volunteer for Grieco’s campaign and did so on her own accord. She did allow that there was discussion of her position being eliminated as of August 1 because Grieco felt that he would be “focusing on the campaign” and his belief that she wouldn’t have enough to do to justify her continued employment. She stated that she told him that she felt there would be enough work, especially with the start of the school year and other constituent services.

She stated that she works “in the community” quite a bit and that this accounts for her frequent absences from the office – not any activity of a political nature linked to the campaign.

“I did not use the word ‘threaten’ with Ms. Wheaton ... My recollection of the conversation is that I told Ms. Wheaton I was happy as an aide and I did not want to work on the campaign.” She said that this followed her early morning phone conversation with Grieco, adding: “Understandably he was upset because I decided not to go forward and work on the campaign.” She said that since January she had agreed to leave her city employment to work on the campaign, but that after a weekend of thinking it over she decided against it. “It was at about that time that I was supposed to go and make the jump, but I decided not to.”

Ms. Bonini said the main reason she decided against leaving her city employment was money, stating that Grieco wanted to pay her less than she was presently earning. She said that Grieco campaign consultant David Custin was trying to help negotiate her employment contract, which was to last from August 1 through December 31 of the present year. She said she wanted to be paid the same as her present salary – roughly \$5,200 a month – but that Grieco wanted her to take less. “We just reached an impasse over a contract ...”

She said that after she broke the news to Grieco that she wasn't going to join the campaign, the problem became: "How do we go forward from there?" She said that she went to speak with Wheaton to advise her of her decision around 8:45 a.m., and told her she wanted to discuss the matter at length later that day, and that Grieco arrived at about 9:15 a.m. and met with her. She acknowledged the conversation became heated, noting that "I'm of Hispanic heritage ... Michael Grieco is Italian ... We have a comfort level ... We both got heated. It wasn't just him. He was loud. I was loud. ... Obviously he's like freaking out" over her decision.

She said Grieco told her he was willing to pay her the full amount she requested to equal her city pay, but that she had already decided not to work for the campaign. She added, "I have nothing but good things to say about Mr. Grieco ... He's been very good to me. He's given me a lot of opportunities. He wasn't understanding, he was upset, yes ... He's a human."

Ms. Bonini emphasized that at no time did she feel threatened, despite the talk that her job could be phased out or de-funded after August 1. "He said, 'What kind of job can I give you in the new administration (if you don't work on the campaign)?' and I said, 'Are you threatening me?' He said, 'No.' I know he can't fire me. He knows he can't fire me. It's in the charter."

"He just felt there wasn't going to be a lot of work ..." Ms. Bonini said she decided to take a break and left the meeting with Grieco, noting that she had a 10:30 a.m. meeting.

Asked about any involvement with fundraising for Grieco's mayoral campaign, Bonini stated, that he "purposely kept me out of that" and that she didn't handle any contributions. She said that his campaign manager, Jonathan Fernandez, handles funds along with Owen Carhart, and Stephanie (last name U/K), as well as Jessica Machado, the paralegal at Grieco's law firm.

Ms. Bonini further stated that she had no involvement with or knowledge of People for Better Leaders and did not learn of its existence until it was reported in the media. She said she knows both Brian Abraham, PBL's chairman – from social events – and Brian George, the treasurer, because he was the accountant for Grieco's law firm and handled payroll.

Elizabeth S. Wheaton, chief of staff to Miami Beach Mayor Philip Levine
Aug. 18, 2017

In a sworn statement at the office of her attorney, Kendall Coffey, Ms. Wheaton recounted the events that led her to produce an email memo on July 21, 2017, regarding her encounters with Danila Bonini. SAO Investigator Michael D'Ambrosia was present and tape-recorded the statement. A copy of his notes from this interview were added to COE's file.

Eve Boutsis, Deputy City Attorney
City of Miami Beach, FL
Aug. 24, 2017

Ms. Boutsis advised that she works closely with the office of Comm. Grieco and had become friendly with his aide, Ms. Bonini. She further advised she wrote the city's proposed marijuana

ordinance at Grieco's request, but added that the commissioner subsequently withdrew his sponsorship of said legislation. She said that, nonetheless, Comm. Grieco was hosting a public meeting known as "Open Mike Night" to discuss the ordinance, and said that the day after the meeting she contacted Bonini to ask about the public's reaction to the ordinance.

Ms. Boutsis said that after she called Bonini, Bonini confided that there was a matter she wanted to discuss. Boutsis said she didn't give it much thought, but that she and Bonini met in her office on or about Monday July 17th. "She closes the door and tells me she's really upset with Grieco and mad at him." Boutsis said Bonini then began to discuss campaign-related matters, and that this made her feel "uncomfortable." She recalled that Bonini told her Grieco "wanted her to basically work for free on his campaign ..."

Ms. Boutsis said Bonini then began to scroll down long text messages on her phone from either Comm. Grieco or possibly his campaign consultant, David Custin. She said Bonini proceeded to read those lengthy messages including one from Grieco in which Grieco referred to her as "stupid or something along those lines." She said that she advised Bonini to talk to her immediate supervisor (Wheaton) or go to the Human Resources department to file a complaint if she felt she was being treated unfairly. She described Bonini's demeanor as being "worried" and "angry," and said it was clear she felt she was being pressured by Grieco to leave her city job to join his political campaign and that she did not want to do so.

Ms. Boutsis said she couldn't, however, recall whether Bonini said she felt threatened in any way with the termination of her employment should she fail to leave willingly. She said she and Bonini were both aware that only the mayor could hire or fire commission staff.

Ms. Boutsis also recalled that there were "a lot of long text messages" and that Bonini read many of the messages to her. She said she never actually saw the messages, though. She said the meeting lasted about 20 minutes, describing it as "a bitch-and-moan session."

Boutsis further advised that text messages were provided to the Miami Herald as part of a public records request some time following her conversation with Bonini. She said she did not recall that anything related to the exchange recounted above appeared in those records. She said she was informed by Deputy City Attorney Aleksandr Boksner that nothing of that nature was contained among the items provided to the Herald. She said that it is the opinion of the City Attorney's Office that all messages between Grieco and his staff could be considered public record, regardless of whether the phones involved were issued by the City.

Aleksandr Boksner, Deputy City Attorney
City of Miami Beach, FL
Aug. 24, 2017

Mr. Boksner advised that he was involved with retrieving text messages from the cell phones of Comm. Grieco and his aide, Ms. Bonini, in response to a Miami Herald public records request made on or about July 26. He said he simply requested that Comm. Grieco and Bonini take screen shots from their phones and provide them to his office. He said that this amounted to an honor system and that he did not observe them as they performed this task. He advised

that the request was for all relevant text messages for the month of July. He said that the records were available as of July 28, and that the Herald picked them up on August 2. He provided copies of both sets of phone records to investigators along with other relevant items.

Danila Bonini, former aide to former Comm. Michael Grieco
Dec. 1, 2017

Ms. Bonini advised that she was willing to meet voluntarily with COE to discuss the matter of the Miami Herald public records request and whether all relevant text messages were provided, as well as the apparent discrepancy with the texts read to ACA Boutsis. She said she would consult legal counsel and get back to COE about scheduling the interview. She was advised that COE attempted to reach her through her previous counsel, J.C. Planas, but that Planas advised that it was his preference that COE contact her directly for now.

On Jan. 25, 2018, Ms. Bonini appeared for a statement at COE's offices, accompanied by her attorney, J.C. Planas. During the statement, Ms. Bonini advised as follows:

- That she worked for former Comm. Grieco as a Miami-Beach commission aide from 2013 through the time of his resignation in October 2017. That she had recently secured employment with the Miami Beach Police Athletic League, but that she had been out of work for several months as a result of the controversy surrounding the former commissioner's political campaign and his departure from office.
- That while employed by the City of Miami Beach, she used two cell phones – one issued by the City and a personal cell phone. She advised that nearly all of her communication with former Comm. Grieco were on her personal phone, and that she retrieved copies of text messages from this phone in response to a July 27, 2017, public records request made by reporters at the Miami Herald.
- That her recollection of the request was that it was for all text messages between herself and then Comm. Grieco and she stated that: "I turned in what was requested." She said she provided copies of the text messages to Deputy City Attorney Aleksandr Boksner, and that former Comm. Grieco submitted copies of his text messages to Boksner, as well, without her handling of any of his text messages.
- Asked about a conversation with Deputy City Attorney Eve Boutsis on or about July 17, 2017, Ms. Bonini stated that she did not have a clear recollection of that or any other meetings with co-workers or supervisors regarding her employment. She stated that she was "stressed out" and "frustrated" and did not recall events clearly.
- Asked to explain the apparent text messages Boutsis recalled her reading to her on or about July 17, Ms. Bonini said that it was possible that these were "private emails," and not text messages. She said this communication would have been of a private nature and that she did not feel it was part of the public records request.

- “Whatever was submitted to the Miami Herald was what was requested ... That’s not what was requested ... a lot of that was private emails.” She further said the content of these emails would have been campaign-related and, in her opinion, “not City business.” She said any campaign activity was carried out on her own time.
- She added that she did not use WhatsApp or any other messaging “app” for exchanging messages with former Comm. Grieco. She said that Grieco had, at one point, suggested she use the app Confide, but noted that she didn’t like and did not communicate with him on it. She stated that she is no longer in touch with her former employer.

The interview was concluded at about 12:08 p.m.

Document/Audio/Video Review:

COE reviewed a copy of F.S. 104.31, titled *Political activities of state, county, and municipal officers and employees*, and commonly referred to as Florida’s “Little Hatch Act,” since it mirrors the federal statute referred to by that name. The statute was added to the file.

COE similarly obtained a copy of Advisory Legal Opinion AGO 75-195, issued July 8, 1975, and which states that, with respect to F.S. 104.31 (cited above): “The obvious objective to be accomplished by statutes of the type under consideration is to preserve the political purity of public employment and to protect public employees against harassment and political annoyances as conditions to holding their jobs.” The opinion was added to the file.

COE obtained from the Miami Beach City Clerk’s Office a copy of an email dated July 21, 2017, and prepared by Elizabeth Wheaton memorializing two conversations she had with Ms. Bonini two days earlier regarding the status of her employment with Miami Beach.

Wheaton claimed her initial conversation with Bonini was interrupted by the arrival of Comm. Grieco, and that a loud, profanity-laden exchange took place in the commissioner’s office during which she wrote Grieco was “agitated and cursing loudly during the meeting.”

The memo further states that Bonini expressed that she was fearful of losing her position with the city should she refuse to work on Grieco’s mayoral campaign, stating that Grieco “threatened” to eliminate her position if she did not join his campaign and that she would be “fired.”

The contents of the memo were publicized in a Miami Herald report on July 26, 2017. Both items – the memo and the Herald report – were added to the file.

Investigators obtained copies of records pertaining to a public records request involving text messages between Comm. Grieco and Ms. Bonini for the month of July 2017 – through July 27, 2017, the morning the response items were produced by the relevant parties.

Among these items was a July 28, 2017, email from Deputy City Attorney Boksner to Bonini instructing her to confirm that the emails provided in response to said records request comprise “all the text messages (including the existence or non-existence of text messages in a group conversation) between you and commissioner Grieco.” In her reply that same day, Ms. Bonini confirmed that the response items included “all the text messages between myself and commissioner Grieco for the period requested” and that there were no group texts.

Also included was a copy of the receipt and payment for the records, along with a copy of notice from the Boksner to the Herald re: Public Records Request No. 13694.

The items further included 55 pages of text messages from the iPhone of Comm. Grieco to Bonini between the dates of June 30, 2017, and Thursday July 27. It should be noted that there were no messages on July 19, which is the date of the initial encounter between Bonini and Elizabeth Wheaton memorialized in Wheaton’s July 21 email. Furthermore, there were no texts relating to the dispute between Grieco and Bonini surrounding her employment.

The final stack of items consisted of 36 pages worth of text messages printed from the iPhone of Bonini that, upon review, seemed to mirror the messages from Grieco’s phone. The number of pages was fewer because the size of the copies of the screen shots was reduced. As with the text messages from Bonini’s phone, there were no references to the employment issue, and nothing that would seem to coincide with the alleged messages described by Boutsis.

Conclusion(s):

Based on the above findings, it does not appear that probable cause exists to file a complaint against former Comm. Michael Grieco for exploitation of his official position. Nor is there sufficient evidence to file a complaint against Grieco or his former assistant under the Truth in Government provision, Section (A) (2), of the Citizens’ Bill of Rights.

Given the fact that Bonini stated under oath that she did not feel that her employment was in any way threatened and maintained that both she and former Comm. Grieco were aware that he lacked the power to hire or fire her, there is insufficient evidence to prove that Grieco exploited his official position.

She further stated that she had a previous understanding that she would take a leave to work on


his campaign, but stated that she became uncomfortable with the idea after realizing it would involve a pay cut. Bonini also stated she never told her other supervisor, Elizabeth Wheaton, she felt “threatened” or intimidated, as suggested in Wheaton’s memo dated July 21.

Neither this inquiry nor a related investigation conducted jointly by COE and the Miami-Dade State Attorney’s Office found any evidence to support the allegation Bonini was engaged in political activities during her official business hours. One or two witnesses recalled a Hispanic female involved with fundraising on behalf of Grieco’s mayor campaign, but they were unable to make a positive identification based on Bonini’s photograph.

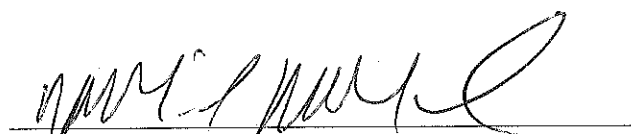
Moreover, text messages for the month of July 2017, provided in connection with the Miami Herald public records request and reviewed by COE, showed Bonini was frequently out of the office to attend official city events or other functions involving constituents.

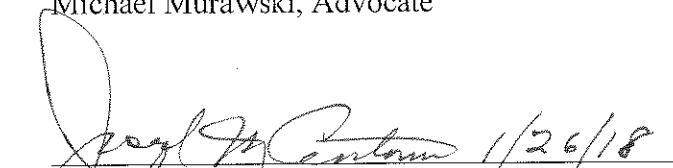
Lastly, while Deputy City Attorney Boutsis told investigators she assumed Bonini was quoting text messages from former Comm. Grieco during the July 19 meeting at Boutsis’ office, Boutsis stated that she never saw the messages in question and could not say for sure whether they were text messages or some other form of communication. Bonini, during her second interview with investigators, stated that she did not particularly recall the meeting in question, but suggested she may have been reading from private emails regarding the campaign.

At the direction of the Advocate, this preliminary inquiry will be closed.


Karl Ross, COE Investigator

Approved by:


Michael Murawski, Advocate


Joseph Centorino, Executive Director