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In re:

MIAMI-DADE

C 18-03-01

COMMISSION ON ETHICS & PUBLIC TRUST

Phyllis Smith

PUBLIC REPORT AND FINAL ORDER

The complainant, Stephanie Kienzle (Kienzle), a private citizen, filed this complaint against City of North Miami Beach Commissioner Phyllis Smith (Smith) alleging that Smith violated the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance by attending a trip to Monte Carlo, which served no public purpose. Kienzle also alleged that Smith lied on the State's gift disclosure (Form 9) regarding costs associated with the trip and requested reimbursement for additional expenses which should have been covered by the trip in order to benefit herself.

Investigation revealed that the trip was an invitation to City officials to attend an art exhibition by French artist Bolongaro in Monte Carlo in appreciation for the City's acceptance of a sculpture he had previously donated to the City. The trip was sanctioned by the City. Smith accepted the invitation to attend the art exhibition event. Consequently, she filed the required gift disclosure, providing the cost in amounts consistent with the customary charges for services and/or expenses in Monte Carlo, as required by Form 9. In accordance with City rules, she also submitted a request for authorization for incidental meals to be incurred during the trip and not covered by the invitation.

The complaint is devoid of any facts sufficient to support a violation of exploitation of official position or gift disclosure requirements.

The allegations on this complaint were simultaneously filed with the Florida Ethics Commission in Complaint No. 18-005, which was dismissed for lack of legal sufficiency.

On April 11, 2018, the Ethics Commission accepted the Staff Attorney's recommendation that the complaint was not legally sufficient and dismissed the complaint.

Final Order

In re: Phyllis Smith

C18-03-01