

City of North Miami Beach
POLICE DEPARTMENT

INTERNAL AFFAIRS INVESTIGATION REPORT

DATE: SEPTEMBER 28, 2011
TO: INTERIM CHIEF LARRY GOMER
FROM: SGT. RICHARD SILBERMAN
VIA: DIRECT
RE: IA0813.11 PERTAINING TO COUNCILMAN PIERRE

ALLEGATION

Threats to Plant Contraband / Corrupt Public Official

PERSONS INTERVIEWED

NAME	ADDRESSES	D.O.B.
Frantz Pierre	City of NMB	
Glenn Finney	City of NMB	
Joseph Souffrance	City of NMB	
Jean Pompee	City of NMB	
Ernest Medina	City of NMB	
Esther Villanueva	City of NMB	
Louis Fan Fan	City of NMB	

CASE DOCUMENTATION

Transcripts of interviews with:
Glenn Finney
Joseph Souffrance
Jean Pompee
Ernest Medina
Esther Villanueva
Louis Fan Fan
City of NMB Employee Application for Souffrance
City of NMB Employee Application for Pompee
City of NMB Employee Application for Medina
City of NMB Employee Application for Villanueva
City of NMB Employee Application for Fan Fan
Memorandum from Sonia Reichelson
Applicable sections from: City Charter, Personnel Policies, Civil Service Rules
SunBiz Corporate information for Pompee Productions
Sampling of Finance Department payment records to Pompee

FACTS OF THE CASE

On August 03, 2011, Detective Vazquez-Bello and Sgt. Kogan were contacted by Maj. Katerman regarding an possible allegation made by Councilman Frantz Pierre. Vazquez and Kogan reported to the City Manager's office and met with Mr. Bonner and Mr. Pierre. At this time, Mr. Pierre brought forward an allegation against a city employee named Jean Pompee. Pierre stated that another city employee informed him that Pompee, a maintenance supervisor with access throughout City Hall, had made statements to the effect of wanting to get Pierre out of office because of his support for the firing of the previous City Manager Kelvin Baker. Pierre stated that the information he was told was that Pompee commented to a third party that he could plant drugs or other contraband in the Councilman's office, in order to get Pierre fired.

SUMMARY OF STATEMENTS

NAME	INTERVIEW DATE
Frantz Pierre	08/03/2011

Det. Vazquez-Bello and Sgt. Kogan interviewed Mr. Pierre in the City Manager's office. The City Manager, Mr. Bonner was initially apprised of the concerns by Pierre, contacted the PD, and upon arrival of Vazquez-Bello and Kogan, Bonner left and allowed use of his office. Mr. Pierre stated that he was informed by "several city employees" that their supervisor, Jean Pompee, had made comments about his intentions to get Pierre fired from the council. The comments attributed to Pompee, were that since he had access to the Councilman's office, he could plant contraband in his office.

According to Pierre, Pompee's motivation for this is political, due to Pompee being angry with Pierre for recommending the firing of the former City Manager, Mr. Kelvin Baker. According to Pierre, Pompee had previously confronted Pierre and told him, "Pierre, we need to get rid of you, you have fired Baker." According to Pierre, Pompee has a radio show (directed to the Haitian listening audience) in which Pompee speaks negatively about Pierre on the air.

Pierre told investigators that at first, he did not take the matter seriously. He stated that Pompee started talking negatively about Pierre on his radio show during the election campaign period. According to Pierre, after his re-election to the council, Pompee told some of his employees "now that he (Pierre) is there, he is not safe because I have access to his office." A couple of the employees told Pierre that Pompee could use his capacity as part of the night cleaning crew to access Pierre's office and possibly plant drugs, guns, etc.

Pierre stated that when he told his wife about the matter, she ignored him. Pierre advised that the employees who allegedly advised him of Pompee's intentions are:

Joseph Souffrance, Ernest Medina and Louis Fan Fan. Pierre stated that he was concerned that the named employees might be facing layoffs due to being

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"whistleblowers" against Pompee and that Pompee had threatened to get them fired. According to Pierre, he had consulted with his attorney, Mr. Ben Kuehne who, in turn instructed Pierre to report the matter to the City Manager. Pierre stated that he did not do so until after the elections. Pierre stated that he did not report it initially, because he did not want Pompee to get fired.

On 08/11/10 Councilman Pierre met with Sgt. Silberman to follow-up on this complaint. Pierre reiterated mostly similar information that he provided to Det. Vazquez & Sgt. Kogan earlier. Pierre also stated that he believed that positions in the Leisure Services Department are "cliquish" and that he felt that Paulette Murphy was in "cahoots with Pompee" to fire Souffrance and get rid of Pierre from the Council. According to Pierre, Asst. Leisure Svcs. Director, Glen Finney, told Souffrance not to support Pierre because of his involvement in firing former City Mgr. Baker.

Pierre stated that Souffrance is related to him through his wife's family and has known him for approximately 5-6 years. Pierre stated that Pompee has regularly tried to embarrass Pierre on Pompee's radio show.

Pierre made it a point that he was concerned for some of the workers facing possible layoffs due the budget situation, and that the night cleaning crew was slated to be cut. Pierre stated to Sgt. Silberman during the 08/11/10 follow-up, that he in fact "personally" overheard Pompee talking to one of his workers, saying that he was going to cause some harm to Pierre. This, according to Pierre was overheard from behind a closed building door at the rear of City Hall.

ESTHER VILLANUEVA

08/03/11

Mrs. Villanueva was interviewed by Det. Vazquez-Bello and Sgt. Kogan. Villanueva is one of the night crew maintenance personnel for the Leisure Services Dept. Villanueva stated that she has not heard any conversation from any of her co-workers related to any political issues or regarding any problems between any of them and their supervisors. She stated she was not aware of any threats or issues involving any of her co-workers. She stated that everyone she works with pretty much kept to themselves.

Villanueva did not provide any information useful to this investigation, whether to prove or disprove the allegations.

LOUIS FAN FAN

08/10/2011

Mr. Fan Fan was interviewed by Sgt. Silberman along with Det. Vazquez-Bello and translation assistance by Ofc. Dareu Tanis.

Mr. Fan Fan stated that he is not aware of any issues regarding his co-workers. Fan Fan stated he has worked for Pompee for some time and is treated very well by him. He has never had any problems with Pompee. Fan Fan stated that he was aware that Pompee had problems with Pierre, but doesn't know whether it was resolved or not. Fan Fan

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stated that he comes to work and minds his own business and doesn't pay attention to other matters.

Fan Fan stated that he was not threatened by anyone regarding giving a statement to the police. Fan Fan was unable to provide any information useful to this investigation, whether to prove or disprove the allegations.

JOSEPH SOUFFRANCE 08/10/2011

Mr. Souffrance was interviewed with the assistance of Ofc. Dareu Tanis, who provided Creole translation as needed. Souffrance stated that he believed that there was a problem between Councilman Pierre and his supervisor, Jean Pompee. Souffrance stated that Pompee and Pierre did not see eye to eye because the former City Manager, Kelvin Baker, had promised Pompee that he was going to get him promoted to a higher paying position. Pompee blamed Pierre for getting Baker fired. According to Souffrance, Pierre had told Pompee that while Baker was City Manager, he hadn't promoted Pompee, and wasn't going to, however Pompee believed Pierre was lying. Souffrance stated that Pierre told Pompee "we shouldn't be fighting amongst each other. We should be trying to fix this. You shouldn't be holding this against me because the guy didn't give you a job..."

Souffrance stated that Pompee used to be friends with Pierre, however after the Baker firing, Pompee decided that he would begin supporting Ketley in the upcoming elections. Souffrance stated that Pompee said he was going to do whatever he could to get Pierre fired if Ketley were to lose. Souffrance stated that he was never friends with Pompee. Souffrance alluded that Leisure Services Director Paulette Murphy may be involved with Pompee to get Pierre fired. Souffrance based this on the fact that Pompee would go to Murphy every time something happened. Souffrance acknowledged that this was an assumption on his part.

Souffrance stated that Asst. Leisure Services Director Glenn Finney had told Souffrance that he should not support Pierre for Council, that Pierre was responsible for Baker getting fired. Souffrance stated that when Finney found out that Souffrance was related to Pierre, Souffrance started getting in trouble at work. He stated that when Pompee told Finney that he and Souffrance were friends, he stopped having problems with Finney.

ERNEST MEDINA 08/12/2011

Mr. Medina was interviewed by Det. Vazquez-Bello and Sgt. Kogan. Mr. Medina stated that he is good friends with Mr. Pompee. Medina stated that he also knows Councilman Pierre from being in the same church. Medina is one of Pompee's subordinates on the night cleaning crew.

Medina stated that he has heard Pompee make statements regarding supposed promises made to Pompee by former City Manager Kelvin Baker, in which Baker had promised Pompee a promotion. According to Medina, Pompee was angry that Baker was fired due to Pierre's motion to have Baker terminated. According to Medina, Pompee was also

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upset at the fact that he had received a raise and then after a couple of weeks, it had been revoked along with approximately 40 other employees.

Medina stated that he had heard Pompee make several remarks to the effect of doing everything he could to get Pierre fired. Medina stated that he had heard Pompee state things like "taking his life away" (referring to Pierre), though due to the Creole translation, Medina was unclear what Pompee meant by that comment. Medina stated that Pompee would say that he would embarrass Pierre in the Haitian community, and would make many commentaries on his radio show. Medina stated that Pompee had previously supported Pierre for a long time and even had Pierre as a guest on his radio show.

Medina was unable to provide any specifics on how Pompee was going to embarrass Pierre. Medina stated that the cleaning crew personnel do not have key access to Pierre's office, and Medina would on occasion clean it if Pierre were present. Medina stated that he has never mentioned any of Pompee's comments to Pierre.

JEAN POMPEE

08/22/2011

Mr. Pompee was interviewed by Det. Vazquez-Bello and Sgt. Kogan. Mr. Pompee stated he is the night supervisor for the maintenance department in Leisure Services. Due to the nature of the allegation and questions asked, Mr. Pompee was advised of his Miranda rights as well as Weingarten, both of which he understood and waived.

Pompee stated that he is familiar with Councilman Pierre from the time that Pierre was running for council. Pierre had approached Pompee to request his support, since Pompee has a radio show. Pompee stated that he has always supported Pierre until recently. Pompee stated that he began supporting another candidate, Ketley Joachim, with whom Pompee was friends with, who ran against Pierre. Pompee stated that he informed Pierre personally that he would not be supporting him during the most recent elections due to Pompee's commitment to Joachim.

When asked if he had made any threats towards Pierre, Pompee stated "absolutely not because I feel like Mr. Pierre is an elected official, he deserves respect and, I work for the City, so I know better than that." Pompee stated that he has not said anything wrong, or that could have been misinterpreted. Pompee stated that he had heard from "people" (in the street and from the radio) that Pierre intended to get Pompee fired if he was re-elected, for not supporting him. Pompee stated he didn't have any reason to say he would try to get Pierre fired, since he is just a simple worker with no authority or ability to do so.

Pompee stated that he did not make any statements that he would get Pierre fired from the council. He stated that he just stopped supporting Pierre. Pompee stated that Pierre has not done anything to upset him since being on the council. When asked about whether he was upset about former City Manager Kelvin Baker getting fired, Pompee stated that he has no reason to get involved. Pompee stated that if they fired Baker, they probably had a reason to. He has seen several managers come and go before him. Pompee stated that Baker never promised him a raise or promotion, but did encourage him to apply for other positions that may come up.

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Pompee stated that since discussions of possible layoffs, and the shutting down of the maintenance night crew, his subordinates had a change in their demeanor and treatment of Pompee. Pompee stated that he tried to keep the workers calm since there had not been any decisions as to what exactly was going to happen, and who if anyone was going to lose their jobs. When asked if he had access to the Council offices in City Hall, Pompee stated that he had access to the offices except for Councilman Pierre's. He stated that his key opens all the offices except for his. Pompee stated that it is his crew's responsibility to clean the offices, but since Pierre doesn't allow anyone in there, they don't go in. Pompee stated this has been the case since long before the recent elections in May. Pompee stated that he is aware there are cameras all over City Hall.

Pompee stated that the cleaning crew has specific duties when cleaning the offices. They are not to clean desktops unless they've been asked to. They are not allowed and have no reason to go into desk drawers at all.

Pompee stated that he doesn't believe his lack of support for Pierre is the cause of his subordinates change in attitude towards him. He stated that since the election is over, if Pierre came to him to ask for his support, he would support him. Pompee stated that this time around, because of his relationship with Joachim, he supported her and not Pierre.

Pompee stated that he had recently had to issue a disciplinary warning to Mr. Joseph Souffrance for performance related reasons. Pompee stated that this was at the request of his supervisor. Pompee stated that Souffrance wrote a lot of negative things on his rebuttal about Pompee. Pompee reiterated that he feels his workers may be upset thinking that he is responsible for their possibly being laid off, however, he stated that it is a matter that is out of his hands if the city is looking at ways of cutting costs.

GLENN FINNEY

08/24/2011

Mr. Finney is the Asst. Director for the Leisure Services Department, and has been employed there for the last 8 years. Finney stated that he first heard about this issue involving Councilman Pierre and Mr. Pompee a few weeks ago when called up to the City Manager's office. Finney stated that this was the first he had heard of the issues, and had never been approached by Pierre regarding this matter prior to this meeting.

Finney stated that other than some quality of work issues, he was not aware of any significant issues regarding Pompee and his subordinates, including personality conflicts. Mr. Finney stated that he is familiar with the fact that Pompee has a radio show, which is aimed at the Haitian community, though he does not listen to it and isn't familiar with the content of the show. Finney stated that he heard some rumblings about Pompee discussing election related issues and Pierre on his show, however since Finney does not speak Creole, he does not listen to that radio show.

Finney stated he has not had any conversation with Souffrance as to city politics, nor that Souffrance shouldn't support Pierre in the upcoming election because of Baker's termination. Finney stated that he doesn't suggest to any staff person who they should or shouldn't vote for. Finney stated that he has not heard Pompee make any comments or threats against Pierre.

SUMMARY OF INVESTIGATION

Councilman Frantz Pierre brought forth allegations against Mr. Jean Pompee to the attention of City Manager Bonner. Mr. Bonner contacted the police department and Det. Vazquez-Bello and Sgt. Kogan responded to the City Manager's office and met with Mr. Bonner and Mr. Pierre.

Det. Vazquez-Bello spoke with Leisure Services Director, Paulette Murphy, who had advised that she was aware that Mr. Souffrance had some issues with Pompee, in that he felt that Pompee "picks on him." Souffrance had received some performance based disciplinary warnings from Pompee. Inasmuch, this particular issue between Souffrance and Pompee are personnel related issues and subject to the purview of their respective department supervision, and did not meet criteria for any police department involvement.

Souffrance reiterated several times that Pompee was determined to embarrass Pierre to get him out of office. Souffrance was not able to provide any specific ways in which Pompee was going to "embarrass" Pierre. Employees with access to the Council offices stated that they do not have access to Pierre's office due to their keys not working on his lock.

Pompee's subordinate employees with the exception of Villanueva, concurred that there were issues between Pompee and Pierre. Only Souffrance and Medina stated that Pompee made comments about wanting to embarrass Pierre and/or cause him to be fired from the Council. Neither could corroborate the allegation that Pompee stated that he would plant contraband in Pierre's office. Pompee stated that he does not have access to Pierre's office either.

Pompee confirmed that he has his own radio show on Saturday's between 1pm-2pm, on WSRF. This was confirmed during a physical visit to the radio station on 10/6/11. Operations Manager, Rose-Philippe Coriolan confirmed the show's time slot, and that Pompee has a year-to-year contract with the station. She stated that on occasion, Pompee fills in during a Friday morning slot for former Councilman John Julien. The show targets the Haitian listening audience. Ms. Coriolan was unable to provide me with a daily radio lineup schedule for the last 8 months, stating that each show host keeps their own records. She advised me that they do not routinely keep any recordings of individual shows, unless there was something special, such as a special guest. She stated that each show host may keep their own show recordings.

This case exposed a mix of personality conflict with local politics. The allegations that Pompee made threats to plant unknown contraband could not be corroborated. Councilman Pierre had the City's maintenance department change the lock on his office door on January 5, 2011, months before he brought forward his allegations to the City Manager. There were inconsistencies in Mr. Pierre's statements to Det. Vazquez-Bello and Sgt. Silberman. Pierre failed to mention in his initial statement to Det. Vazquez-Bello that he personally overheard Pompee's threats, rather he informed the investigator that he was "told" by several employees of Pompee's intentions. His mention to Sgt. Silberman of this "overhearing" could not be substantiated, particularly since none of the interviewed employees corroborated the specific threat. The only consistency between

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statements made by Souffrance and Medina were that Pompee wanted to "embarrass" Pierre.

Mr. Pompee's use of public radio broadcast to support candidates for office are protected by the first amendment to the Constitution of the United States, which addresses freedom of speech. Mr. Pierre made a subsequent allegation that Pompee had broadcast a show segment at a time and date (not provided) which may have been conducted while Pompee was supposed to be working at the City. Without a specific time and date, and lack of scheduling information provided by the radio station, this could not be corroborated.

Mr. Souffrance is a very close personal friend of Pierre's and did not appear to get along well with Pompee, who had disciplined him a number of times. Mr. Medina also appears to be close to Pierre, and attends or attended the same church with him. Pierre made comments to Sgt. Silberman regarding Ms. Paulette Murphy, insinuating that she may be in "cahoots" with Pompee to fire Souffrance and try to get rid of Pierre.

According to a memo by Mrs. Sonia Reichelson, who works for the Leisure Services Dept, Councilman Pierre walked into her office and closed the door behind him. He stated to Mrs. Reichelson that he wanted to speak with her confidentially. Pierre informed her that he is the Liaison to the Leisure Services Dept. and that "some things have been going wrong with the department." Pierre stated that the Director and the Asst. Director, as well as "the other 'Black Girl' (referring to Jackie Shakespeare) "have not been doing the right thing." Pierre stated that he wanted to make things right in the department. Pierre reiterated to Mrs. Reichelson that the conversation should be totally confidential and that he would be speaking with her again. The conversation ended when Mr. Finney walked into the office.

This action, according to the Leisure Services Director, Ms. Murphy, is considered inappropriate and outside of proper protocol. Council personnel are not supposed to deal with City employees without going through the proper chain of command.

FINDINGS

Due to insufficient and/or credible evidence, the allegation against Mr. Jean Pompee regarding threats to do harm and/or plant contraband in Councilman Pierre's office is deemed: **INCONCLUSIVE**.

A secondary issue arose during the course of this investigation, in that, records were found indicating that for the last several years Pompee was paid by the City for promotional and radio show advertising. Payments were made to Pompee both directly and through his company, Pompee Productions, Inc. amounting to several thousand dollars. There were no records found in the Human Resource Department indicating that Pompee had obtained proper authorization for outside employment. Pompee's work without Civil Service authorization for outside employment is a violation of the City's Civil Service Rules and Regulations (CRR 2.05.07) to wit;

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Outside Employment:

No Employee shall hold any other position, or pursue any other gainful occupation, except that connected with said employee's regular position in the Classified Service without having first obtained the permission of his/her department head and the Board. Prior to accepting employment, a request must be made to the Board in writing, stating type of outside employment and number of hours expected to work, and department head's approval must be attached.

Also, Pompee is listed as a vendor for the city (see attached 2008 Vendor List), however, there were no records found through the Procurement department indicating that Pompee's business adhered to the proper procedures of sealed bid for the work. This may be a violation of the City Charter (Article V. Sec. 30 Conflict of Interest) to wit;

Conflict of Interest:

No officer or employee of the City of North Miami Beach shall have any pecuniary interest, directly or indirectly, in any contracts with the City of North Miami Beach except such contracts for the sale or purchase of property, or the performance of services, as shall be let pursuant to sealed bids and advertising therefore.

POLICY FAILURE

A conflict was detected between the City's Personnel Policies & Procedures, dated 12/01/1992 regarding political activity by an employee, and the City's Civil Service Rules and Regulations (CRR 14, Sec. 2.05.06) regarding Abuse of Political Influence. This matter was brought to the attention of Mr. Rasmussen, Director of Human Resources on 10/12/11.

Additionally, a possible violation of Vendor registration may have occurred which allowed Pompee to provide services to the City, whereby procurement policies were not followed. Pompee, while performing these services, was at the time, employed by the City in a full time capacity, and did not obtain outside employment authorization from his Department Head and/or the Civil Service Board.

RECOMMENDATIONS

Pertaining to Mr. Pierre's complaint against Mr. Pompee, the findings are deemed "Inconclusive," as there was insufficient evidence to prove or disprove the allegations as brought forth by Mr. Pierre.

As to the violations of the City's Procurement policies and Civil Service regulations (regarding outside employment) by Mr. Pompee, this matter is to be reviewed by the City Manager's Office, and referred to the respective Department Heads for appropriate action.

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This foregoing report is filed by:

Sgt. Richard Silberman
Internal Affairs Supervisor

FOR USE BY OFFICE OF THE CHIEF OF POLICE

I HAVE READ THE FOREGOING REPORT AND:

☐ CONCUR WITH THE FINDINGS ☐ DO NOT CONCUR WITH THE FINDINGS

Comments:

Chief of Police

Date