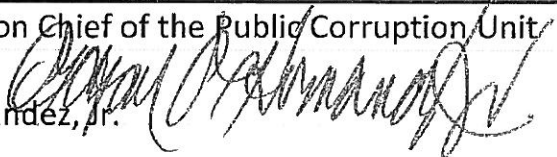


CITY OF NORTH MIAMI BEACH, FLORIDA
POLICE DEPARTMENT
Memorandum No. 10-115

TO: Joe Centurino, Division Chief of the Public Corruption Unit
FROM: Chief Rafael P. Hernandez, Jr. 
Date: May 3, 2010
Subject: Review of matter concerning the Honorable Councilman Frantz Pierre

On or about September 26, 2009, a suspicious late hour alarm activation occurred at City Hall. I was requested by Dr. Kelvin Baker, NMB City Manager to review the after hour visits to the City Hall Council Chambers, and the City Manager's office area, by the Honorable Councilman Frantz Pierre.

I met with Sgt. Rick Silberman, Internal Affairs Unit Supervisor and I requested that he investigate the aforementioned concern. Sgt. Silberman was able to learn that City Council members have card access throughout the city hall building. Sgt. Silberman obtained a card access report from the City's Information Technologies Director, Mr. Patrick Rosiak that covered the period from 5/1/09 through 9/30/09. Sgt. Silberman also conducted a visual inspection of City Hall video surveillance recordings, for building access at unusual late hours on weekends by Councilman Pierre. For specifics as to the observation of unexplained events by dates, times and pictures, refer to Sgt. Silberman's memorandum sent to this writer dated November 16, 2009.

A review of the surveillance video pictures reveals the Honorable Councilman Pierre and other individuals taking boxes of bottled water out of City Hall.

On Thursday, November 19, 2009 I met with Dr. Baker and after reviewing the pictures in question, it was decided that a formal statement would be taken by me from the Honorable Councilman Pierre.

On Wednesday, November 25, 2009, at approximately 3:30 pm, I met with the Honorable Councilman Pierre in Dr. Baker's office. At this time, Mr. Pierre was the Vice Mayor. Councilman Pierre was told that due to his actions captured by the surveillance cameras, that I needed to take a formal (sworn) statement from him. Dr. Baker was

present. Councilman Pierre was afforded the opportunity to review all the surveillance pictures before a recording statement was obtained. A recorded statement was initiated at about 4:30 pm. Councilman Pierre was asked on record about each individual picture. He identified some of his family members: Wife, cousin, auntie and nephew inside city hall after hours. Councilman Pierre also identified individuals who were visiting from Haiti and New York and he had provided them a tour of City Hall. He also stated that former City Attorney Howard Leonard had told him, "This is your city and you can come at anytime, referring to City Hall, you can come in 24/7. Councilman Pierre admitted to taking boxes of bottled water which he said he had donated same to churches (refer to Pg. #14, 15, 16, 17, 18 and 19 of his statement). He did say sometimes he completed the proper forms as per protocol and other times he did not.

Councilman Pierre did state during his statement that when he was not able to complete the paperwork requesting the bottled water, he would request from Greg Williams, a city employee, if he could take some and would received a verbal approval. For specifics, refer to Councilman Pierre's formal statement dated, November 25, 2009.

On Thursday, February 4, 2010, a formal statement was obtained from Dr. Kelvin Baker, NMB City Manager in his office as to Councilman's Pierre late hours visit at City Hall and the removal of boxes of bottled water.

Dr. Baker stated that council members have the authority to remove boxes of bottled water with prior approval. He also stated that he was not aware that Councilman Pierre had received prior approval. Dr. Baker said that there is no city policy that prohibits council members to come in to city hall after hours and also it does not prohibit them from bringing individuals to the premises. Dr. Baker acknowledges that he recalls Councilman Pierre stating that he went through the process to request the bottled water and maybe not in one or two incidents. Dr. Baker had a concern about the large number of individuals coming and hanging inside of the City Hall complex when the facility is closed. It creates a breach of security in government property. It appears that this practice has stopped. For specifics, refer to Dr. Baker's formal statement, dated February 4, 2010.

On Friday, February 5, 2010, I met with ASA Joe Centurino to discuss several issues including this matter. I informed Mr. Centurino that I would gather all the statements and memos and bring same to him for his review.

On Tuesday, April 20, 2010 at approximately 11:33 am, a sworn statement was obtained from Mr. Gregory Williams, who is the utility neighborhood coordinator, in the Public Services Department for the city of North Miami Beach. Mr. Williams is responsible for the distribution

of boxes of bottled water for the city. Mr. Williams, during his statement, said that in a tri-weekly basis, water is distributed to the various departments, including the delivery to our Honorable Mayor and Council members.

Mr. Williams stated that the Mayor and the Council members have to follow the recognized protocol as to the paperwork to be completed and also have the discretion to distribute the water to non-profit organizations, churches and other entities. Refer to Mr. Williams formal statement page #3.