


City of North Miami Beach
POLICE DEPARTMENT

Handwritten: Gomez #31
4/12/13

MEMORANDUM

To: Pamela Latimore – City Clerk
Via: Chief Larry Gomer
From: Sgt. Richard Silberman 
Date: April 10th, 2013
RE: Council Candidate Eligibility Report

Pursuant to the City's Charter, Chapter VII in which all candidates for office must meet certain eligibility requirements, critical among them are that candidates for office in the City of NMB must be "bonafide" residents of the City of NMB and at the time of qualifying with the clerk, must have continuously resided in the City of North Miami Beach for at least one (1) full year. (Ord. No. 79-31, § 5, 11-20-79, Res. No. R88-9, § 3, 1-19-88; Res. No. R2009-12, § 2, approved by the electorate at the election of 5-5-09) Code 7-5.

Chapter VII of the Charter of the City of North Miami Beach, section 7-5 (Qualifications for City Councilperson) states:

- a. Prospective candidates for the Office of Mayor or Councilperson shall:
 - 1. Be a qualified elector of the City at the time of filing for the position;
 - 2. Not have been convicted in this or any other State of any offense involving moral turpitude within the preceding five (5) years;
 - 3. Not have been adjudicated insane or incompetent by a court of competent jurisdiction which adjudication stands unrevoked;
 - 4. Be a bonafide resident of the City of North Miami beach and express an intent to remain permanently a bonafide resident of the City during the entire term of office for which he or she is a candidate.
- b. All elected officials of the City of North Miami Beach, in order to remain in office during the term for which they were elected, must always be and remain bonafide resident of the City of North Miami Beach.
- c. The term "bonafide resident" shall mean a permanent, fixed place of domicile within the City of North Miami Beach, to the exclusion of all other places.

As has been past practice, the North Miami Beach Police Department is tasked

INTEROFFICE MEMORANDUM

with conducting the necessary background check on candidates for office. Criminal History checks are conducted through the use of LIVESCAN fingerprinting, via the Florida Department of Law Enforcement (FCIC) and the FBI (NCIC). Residency is checked on new and known candidates through a combination of public database searches and physical observation. The police department is responsible for enforcing state and local law, which includes ordinances of the Charter of the City of North Miami Beach.

In the past several recent elections, it has become a common issue where a candidate's residency within the jurisdictional boundaries of the City have come into question. Because residency as outlined in the Charter, is a condition of eligibility, candidates affirm via a notarized, sworn "Loyalty Oath", that they meet the eligibility criteria.

As of this date, the below listed candidates have met the eligibility requirements as outlined in the City's Charter:

Rene Alfonso
Jean Berrouet
Anthony DeFillipo
Hillel Hellinger
Muriel Kemp
Barbara Kramer
Margaret Love
Jaime Miller
Beth Spiegel

An allegation of residency discrepancy was made by North Miami Beach resident Mrs. Stephanie Kienzle, regarding Ms. Dargenson, and sent to the City, including various emails containing different documentation to support the alleged conflict. These allegations warranted further scrutiny of Ms. Dargenson's primary place of domicile.

Upon further investigation, candidate, Yvenoline Dargenson, met most of the eligibility requirements except for satisfaction of "bonafide" residency within the jurisdiction of the City of North Miami Beach during the required 1-year period.

A residency check was conducted on 4/5/2011 at 08:40 a.m. at 1511 NE 161 St. where Ms. Dargenson has listed as her residence. A man who identified himself as Ms. Dargenson's father, Mr. Jean Dargenson, stated that Ms. Dargenson has resided at the residence full time since they moved in, however he then gave conflicting statements when asked about Ms. Dargenson's other residence in Miramar, FL., at which time Mr. Dargenson stated that Ms. Dargenson didn't live there (Miramar) anymore and he doesn't know what her husband does with that Miramar residence.

A neighbor who lives across the street at 1510 NE 161 St (a Miami Dade Police

INTEROFFICE MEMORANDUM

Officer who did not wish to give his name), stated that he knows Ms. Dargenson, however he does not believe that she resides at the house across the street (1511 NE 161 St).

At approximately 09:10 am a residence check was conducted at Ms. Dargenson's second residence of record, located at 9620 Boulder Street in Miramar, FL. A woman who stated she was Olivia Dargenson, advised that she was Ms. Dargenson's mother was present and greeted me at the front door. She stated that Ms. Dargenson comes back and forth to this Miramar residence regularly. Olympia stated that she comes to watch Dargenson's children at the Miramar residence daily, and that Ms. Dargenson moved out of this house approximately 3 to 6 months ago due to marital issues with Dargenson's husband, but that they are trying to work things out. Olympia stated that Ms. Dargenson moved into her North Miami Beach home after splitting up with her husband.

A neighbor at 9610 Boulder St. in Miramar (Mrs. Norma Gail-Penance) stated that she believes that Ms. Dargenson does live at the 9620 Boulder Street address and sees her there frequently.

A neighbor at 9630 Boulder Street (Mrs. Seaman) stated that she sees Ms. Dargenson at the 9620 Boulder Street residence all the time, but could not attest to residency.

The Broward County Property Appraiser lists Ms. Dargenson and her husband as owners of 9620 Boulder St. in Miramar. Homestead Exemption is listed on this property.

On 4/8/2013, I spoke with Ms. Dargenson via her mobile phone, and explained that I was conducting the background checks to verify eligibility for the city's upcoming elections. I informed Ms. Dargenson that I would like to personally meet with her to discuss some questions regarding residency. Ms. Dargenson agreed to come to the Police Department at 8:00 am on 4/9/2013.

On 4/9/2013, I received a voicemail message (7:20 am) on my office line from Ms. Dargenson. Ms. Dargenson advised that she was unable to come in as scheduled, and requested that I place my "inquiry" in writing, on agency letterhead and send it to her home address. She also requested that I provide the City's code or regulation granting the authority to conduct such checks on residency.

On 4/9/2013, Mrs. Kienzle obtained and forwarded a copy of a "Return of Service" from the Broward County Clerk of the Courts, in which a process server affirmed that on (Saturday), May 12th, 2012 at 10:30am, Yvenoline Dargenson was personally served with Civil Complaint against Dargenson and her Husband,

INTEROFFICE MEMORANDUM

at 9620 Boulder Street, in Miramar (Broward County). The civil complaint was from the homeowner's association where the above listed home is located.

Due to Ms. Dargenson's reluctance to come in as scheduled, the information as outlined above, as well as documentation related to addresses and timelines, in addition to the comments made by her parents and neighbors when spoken to, I cannot provide positive confirmation that Ms. Yvenoline Dargenson is a bonafide resident of the City of North Miami Beach, to the exclusion of all other places as codified within the Charter of the City of North Miami Beach.



Sgt. Richard Silberman
Internal Affairs Supervisor
North Miami Beach Police Department