

STATE OF FLORIDA
COMMISSION ON ETHICS
P. O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709
COMPLAINT

1. PERSON BRINGING COMPLAINT:

Name: Stephanie Kienzle Telephone Number: 305-335-2093

Address: 1653 NE 178 Street

City: North Miami Beach County: Miami-Dade Zip Code: 33162

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Current or former public officer, public employee, candidate, or lobbyist - please use one complaint form for each person you wish to complain against:

Name: Frantz Pierre Telephone Number: 305-434-6418
305-919-8201

Address: 2120 NE 171 Street

City: North Miami Beach County: Miami-Dade Zip Code: 33162

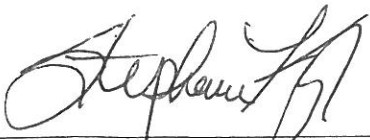
Title of office or position held or sought: Councilman, City of North Miami Beach

3. STATEMENT OF FACTS:

Please explain your complaint fully, either on the reverse side of this form or on additional sheets, providing a detailed description of the facts and the actions of the person named above. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. If you believe that a particular provision of Article II, Section 8, Florida Constitution (the Sunshine Amendment) or of Part III, Chapter 112, Florida Statutes (the Code of Ethics for Public Officers and Employees) has been violated, please state the specific section(s). Please do not attach copies of lengthy documents; if they are relevant, your description of them will suffice. Also, please do not submit video tapes or audio tapes.

4. OATH

I, the person bringing this complaint, do depose on oath or affirmation and say that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.



SIGNATURE OF COMPLAINANT

STATE OF FLORIDA
COUNTY OF Broward

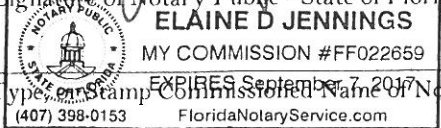
Sworn to (or affirmed) and subscribed before me
this 25th day of March

20 14, by Elaine D. Jennings

(name of person making statement)



(Signature of Notary Public - State of Florida)



(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification
Type of Identification Produced:

Jurisdiction of the Commission: The Commission on Ethics has the authority to review and investigate complaints concerning possible breaches of the public trust (violations of the State's ethics laws) by public officers, public employees, and similar persons involved with state and local government in Florida, including Executive Branch lobbyists. Complaints about the actions of Judges should be brought to the Judicial Qualifications Commission, and complaints against attorneys in private practice should be made to The Florida Bar.

Procedures followed by the Commission: The Commission follows a three-stage process when it considers complaints.

The first stage is a determination of whether the allegations of the complaint are legally sufficient, that is, whether the complaint indicates a possible violation of any law over which the Commission has jurisdiction. If the complaint is found not to be legally sufficient, the Commission will order that the complaint be dismissed without investigation and all records relating to the complaint will become public at that time.

If the complaint is found to be legally sufficient, the investigative staff of the Commission will begin an investigation. The second stage of the Commission's proceedings involves this investigation of the complaint and a decision by the Commission of whether there is probable cause to believe that there has been a violation of any of the ethics laws. If the Commission finds that there is no probable cause to believe that there has been a violation of the ethics laws, the complaint will be dismissed and will become public at that time.

If the Commission finds that there is probable cause to believe there has been a violation of the ethics laws, the complaint becomes public and enters the third stage of proceedings. The third stage requires that the Commission decide whether the law actually was violated and, if so, what penalty should be recommended. This stage requires a public hearing (trial) at which evidence would be presented.

Attorney's Fees: If the complaint is dismissed, the person against whom the complaint is filed can file a petition to have the complainant pay his or her attorney's fees, which will be awarded after a hearing if the Commission finds that the complaint was made with a malicious intent to injure the official's reputation, the complainant knew that the statements made about the official were false or made the statements about the official with reckless disregard for the truth, and the statements were material.

Confidentiality: The Commission cannot accept anonymous complaints and cannot keep the identity of the complainant or any witness confidential. A complaint, as well as all of the Commission's proceedings and records relating to the complaint, is confidential and exempt from the public records law either until the person against whom the complaint is made waives confidentiality, or until the complaint reaches a stage in the Commission's proceedings where it becomes public. The Commission's procedures on confidentiality do not govern the actions of the complainant or the person against whom the complaint is made.

Legal Counsel: Both the complainant and the person complained against can be represented by legal counsel during the Commission's proceedings.

Other Information: More information about the ethics laws and the Commission's responsibilities is available at the Commission's website, www.ethics.state.fl.us, which contains publications, rules, and other information.

State of Florida, Commission on Ethics
Complaint against Frantz Pierre

STATEMENT OF FACTS

1. Frantz Pierre is an elected official who serves as a councilman for the City of North Miami Beach.
2. On March 4, 2014, at a council meeting, the Mayor and Council were scheduled to vote on a Resolution, which included building variances requested by the developer of a residential piece of property. See Agenda attached hereto and marked Exhibit A.
3. Resolution R2014-6 is attached hereto as Exhibit B.
4. Frantz Pierre recused himself from voting on R2014-6, stating "that he had to abstain from hearing this item due to a voting conflict." See Regular Meeting Minutes for the March 4, 2014 meeting attached hereto and marked Exhibit C.
5. On March 4, 2014, Frantz Pierre signed Form 8B - MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS, and stated that he abstained from voting on Resolution R2014-6 because, "I am in negotiation with the owner of the item to be discussed under R2014-6." Form 8B is attached hereto and marked Exhibit D.
6. On March 6, 2014, the Miami Herald published an article about the March 4, 2014 North Miami Beach council meeting. See attached article, which is marked as Exhibit E. The Herald reported that Frantz Pierre was thinking about buying the home, which is the subject of R2014-6, which will have an asking price of approximately \$4.2 million. The owner/developer of the property, however, denied to the reporter that he is currently in negotiations or has contracted with Frantz Pierre regarding the subject property.
7. The reporter noted that according to Frantz Pierre's most recent Statement of Financial Interests, which is attached here as Exhibit F, it is estimated that Pierre earns a combined salary of approximately \$83,000 per year as a Miami-Dade County public school teacher and City of North Miami Beach councilman.

CONCLUSIONS

- A. Mr. Pierre signed Form 8B claiming that he was then currently in negotiations with the owner to purchase the subject property; however, the owner of the subject property unequivocally denied Mr. Pierre's statement.

B. Mr. Pierre signed a Statement of Financial Interests (Exhibit F) on June 18, 2013, claiming that he has no additional income other than his combined salary of approximately \$83,000.00 per year. If this is true, he cannot possibly afford a \$4.2 million dollar home on that income alone, in which case it is my opinion that he committed perjury by signing Form 8B (Exhibit D)

C. Mr. Pierre signed Form 8B (Exhibit D) on March 4, 2014, claiming he was in negotiations with the owner to purchase a \$4.2 million dollar house. If this is true, then it is simply not possible for him to earn only \$83,000.00 per year, in which case it is my opinion that he committed perjury by signing the Statement of Financial Interests (Exhibit F).

D. Either Exhibit D or Exhibit F can be a factual document, but not both.

In any event, it is my opinion that Mr. Pierre has committed perjury.

I respectfully request that the Florida Commission on Ethics open an investigation of this matter and rule on the facts as presented herein.

Stephanie Kienzle