



## City of North Miami Beach Memorandum

### CITY ATTORNEY'S OFFICE

Phone: (305) 948-2939

Fax: (305) 787-6004

TO: Councilman Frantz Pierre

FROM: Jose Smith, City Attorney

DATE: February 26, 2015

RE: Legal Opinion regarding Request for Reimbursement of Attorneys' Fees

By letter dated January 23, 2014, a copy of which is attached hereto as "Exhibit A," you requested that the City of North Miami Beach (the City) reimburse you for attorneys' fees incurred in: (A) prosecuting a lawsuit and enclosed the bills from Joseph Geller, Esquire ("Geller fees"), and (B) successfully defending against allegations of voter irregularities and enclosed the bills from Benedict Kuehne, Esquire ("Kuehne fees"). Please allow this memorandum to serve as the response to your request for a legal opinion regarding your reimbursement request.

#### I. Questions Presented

A. May the City reimburse the Geller fees you incurred in 2009 when prosecuting a lawsuit challenging your opponent's candidacy?

B. May the City reimburse the Kuehne fees you incurred during an investigation by the Commission on Ethics and the State Attorney's Office based on a complaint filed by a resident in 2012 involving allegations of voter irregularities at your residence?

#### II. Short Answer

A. No. The Florida Attorney General has previously opined that the City may not reimburse a councilmember for fees incurred in challenging an opponent's candidacy.

B. Yes. The City may reimburse the Kuehne fees you paid in defending yourself against the alleged voter irregularities, subject to a determination by the City Council that *the alleged misconduct arises out of, or in connection with, the performance of your official duties and while serving a public purpose.*



### III. Legal Analysis

Under Florida common law, a public official may be reimbursed for the reasonable attorney's fees incurred while defending a civil lawsuit provided that the litigation (1) arose out of or in connection with the *performance of their official duties* and (2) *serves a public purpose*. See, e.g., *Thorner v. City of Ft. Walton Beach*, 568 So.2d 914 (1990); Fla. Atty. Gen. Op. 98-12, Feb. 16, 1998. This common law doctrine also applies to "criminal proceedings." *Lomelo v. City of Sunrise*, 423 So.2d 974 (Fla. 4th DCA 1982).

#### A. The City cannot honor your request for reimbursement of the Geller fees because that action failed to satisfy the first prong of the *Thorner* test.

You seek reimbursement for payments made to Joseph Geller ("Geller fees") to challenge the candidacy of your opponent. The relevant facts are as follows:

You state that you "realized that [you] should be re-elected unopposed" since no one else filed to run in group 5, and that you "immediately contacted the Law Offices of Greenspoon Marder and attorney Joe Geller was assigned to the case."

You contend that an error was made in the filing documents by candidate Anthony DeFillipo and/or the then-City Clerk Solomon Odenz.

By the time you went before a judge, the absentee ballots had already gone out and six voters had already cast their votes. The judge decided not to take action until after the elections.

Because you won the election, the "law suit became purposeless."

Filing such a lawsuit is your right as a candidate, but is not a part of your official duties as a Councilperson of the City of North Miami Beach.

The City cannot reimburse you for the Geller fees based on two legal opinions from the Florida Attorney General. See, Op. Atty. Gen. Fla. 2013-15 (2013) and Op. Atty. Gen. Fla. 91-59 (1991). Since the lawsuit involves challenging your opponent's candidacy rather than addressing any allegations of misconduct by you while performing official duties as a Councilman, such fees are not reimbursable.

The City dealt with a similar situation where Councilwoman Beth Spiegel prosecuted a challenge against someone seeking to run in her seat. See Op. Atty. Gen. Fla. 2013-15 (2013), a copy of which is attached as "Exhibit B." The Attorney General opined that "that the city may not reimburse legal fees incurred by a councilmember individually prosecuting an action challenging a candidate's qualifications to run for the city council when such action was not taken while performing the official duties of the office." *Id.* As noted above, the second prong of the standard for reimbursement of attorney's fees set forth in *Thorner* requires that the action arise out of or in connection with the performance of official duties. Just as Councilwoman Spiegel was not performing official duties as councilperson when she individually initiated a lawsuit against her challenger, your individual lawsuit to challenge the candidacy of your challenger was not a part of your official duties as a councilperson.



Moreover, "[w]hile the enforcement of the city's charter and ordinances may fulfill a public purpose," the Attorney General noted that a legal challenge brought by a sitting councilmember would not satisfy the second prong of the *Thornber* test, which requires a "nexus to the performance of the sitting councilmember's official duties." *Id.* Acting as a body, the City Council has the authority to bring such a lawsuit to fulfill a municipal purpose and such expenditures may qualify for reimbursement, but as the Attorney General pointed out, "such action must be taken by a majority of the governing body and not at the initiative of an individual councilmember." *Id.*

Accordingly, the City will not reimburse you for the Geller fees because filing the lawsuit was not part of your official duties, was not in defense of any alleged wrongdoing, and was not sanctioned by the City Council as serving a public purpose.

**B. The City may consider your request for reimbursement of the Kuehne fees so long as the Council determines that such reimbursement would meet the two-part test in *Thornber***

You seek reimbursement for fees paid to Ben Kuehne ("Kuehne fees") incurred when you retained representation while you were being investigated for alleged voter fraud. The relevant facts are as follows:

A North Miami Beach resident and blogger, Stephanie Kinzle, made allegations about possible voter fraud. Specifically, in an email dated March 14, 2012, Ms. Kinzle alleged that a number of individuals listing your home address on their voter registration were not actually residents of the City and/or that you were violating the City's Zoning Ordinance. A copy of that email is attached hereto as "Exhibit C."

The Commission on Ethics (COE) began the investigation and referred the matter to the Miami-Dade Police Public Corruption Investigations Bureau (PCIB) for further investigation.

During a recent meeting with the City Manager and I, you stated that the former City Attorney Darcee Siegel had assigned the matter related to the investigations of voter irregularities to outside attorney Ben Kuehne.

On February 25, 2015, Mr. Kuehne stated the following:

"...At the outset of my representation, I spoke with then City Attorney Darcee Siegel about the matter and my representation of Councilmember Pierre. Because he was a Councilmember of North Miami Beach at the time and the complaint was directed to him in his official capacity (even though the allegations were not meritorious), it was my understanding with the City Attorney that the City of North Miami Beach agreed to be responsible for paying my initial legal representation. I also understood that if the matter



extended into formal charges (it did not), then the City might re-evaluate payment for my legal services."

A copy of Mr. Kuehne's letter is attached hereto as "Exhibit D."

The PCIB conducted interviews and closed the case against you, after determined that "many if not all of the individuals in question had, in fact, lived at the Pierre residence at one time or another and that consequently no violation of state elections law could be proven." On April 13, the COE recommended that the investigation be closed. A copy of the report is attached hereto as "Exhibit E."

Based on these facts, the City may consider your request for reimbursement provided that the City Council determines that such reimbursement would satisfy the *Thornber* requirements. See Op. Att'y Gen. Fla. 90-74 (1990) and Op. Att'y Gen. Fla. 85-51 (1985).

Payment of these expenses is contingent upon the City Council determining that the alleged misconduct arose from the performance of your official duties as a Councilman. See Op. Att'y Gen. Fla. 94-11 (1994) (Citing AGO 85-51, the State Attorney's Office authorized a city to pay for the defense of a former city manager where the city's governing body already determined that the alleged misconduct arose from the performance of the manager's official duties and while he was serving a public purpose). The conclusions reached in AGO 94-11 opinion was based on the common law principles discussed in *Ellison v. Reid*, which concluded:

There is no doubt a valuable public purpose is served in protecting the effective operation and maintenance of the administration of a public office. If a public officer is charged with misconduct while performing his official duties and while serving a public purpose, the public has a primary interest in such a controversy and should pay the reasonable and necessary legal fees incurred by the public officer in successfully defending against unfounded allegations of official misconduct.

*Ellison v. Reid*, 397 So.2d 352 (Fla. 1st DCA 1981). Therefore, defending yourself against these allegations meets the "public purpose" prong of the *Thornber* test. *C.f. Chavez v. City of Tampa*, 560 So. 2d 1214 (Fla. 2d DCA 1990)(councilmember satisfied the first prong of the *Thornber* test because she was performing her official duties by voting, but City could not indemnify her because her vote advanced her own private interests and did not serve a "public purpose").

Notwithstanding, this obligation arises only when the conduct complained of arises out of, or in connection with, the performance of the officer's official duties and while serving a public purpose. Fla. Att'y Gen. Op. 98-12 (1998); *Thornber, supra*. For example, in *Thornber*, the Court held that the first prong of the test had been met and authorized reimbursement for the officer's legal defense against a recall petition arising out of their alleged malfeasance in meeting in violation of the Government in the Sunshine Law and in subsequently voting on the issues at a public meeting. Since the vote taken at the public meeting fell within their official duties, the first prong was met. Op. Att'y Gen. Fla. 94-11 (1994)(discussing *Thornber*).



In short, the City may reimburse the Kuehne fees you incurred in successfully defending against the allegations provided that the City Council determines that the acts alleged arose from your official duties while serving public purpose. *See* Op. Att'y Gen. Fla. 90-74 (1990) and Op. Att'y Gen. Fla. 85-51 (1985). This determination must be made by the City Council based upon such factual evidence as the governing body may require. Op. Att'y Gen. Fla. 91-58 (1991).

#### **IV. Conclusion and Recommendation**

##### **A. Legal Conclusion**

In conclusion, I am recommending that the City reimburse you for the Kuehne fees, but not for the Geller fees for the reasons stated herein.

##### **1. The City may not reimburse the Geller fees**

The City may not reimburse you for the Geller fees incurred when individually prosecuting an action against a candidate challenging you because filing the lawsuit was not part of your official duties, was not in defense of any alleged wrongdoing, and was not sanctioned by the City Council as serving a public purpose. *See*, Op. Atty. Gen. Fla. 2013-15 (2013) and Op. Atty. Gen. Fla. 91-59 (1991).

##### **2. The City may reimburse the Kuehne fees**

The City should consider your request for reimbursement for the Kuehne fees incurred when successfully defending you against the allegations made against you based on my determination that such reimbursement would satisfy the two part test in *Thornber v. City of Ft. Walton Beach*. Alternatively, based on Mr. Kuehne's representation that the prior City Attorney approved his retention, the City should approve the payment of his fees in handling this matter.

Having reviewed the correspondence and bills from Mr. Kuehne, I have determined that the amount billed was reasonable in light of the services rendered.

##### **B. Recommendation for Payment of Kuehne fees**

Based on the information provided, I am recommending that the City reimburse you for the Kuehne fees, but that is a decision that can only be made by the City Council.

The next step is for you to place your request for reimbursement as an item to be addressed at a City Council meeting so that the Council may decide whether to reimburse you for this expense, and direct my office to prepare a resolution authorizing the expenditure.

January 23, 2015

To : Mr. Jose Smith, City Attorney,

Dear Mr. Smith,

As a follow up to our previous conversations, find attached two invoices from GREENSPON MARDER Law Offices and from the Law Office of BENEDICT KUEHNE, respectively for \$3,500 and for \$4,585.

The first invoice was paid for in full by 2 personal checks of mine (attached). The one from Ben Kuehne is still outstanding. I believe the City should reimburse me the \$3,500 and pay the balance to Mr. Kuehne.

Here is a synopsis of the facts:

In March of 2009, former councilman Kenneth De Filippo, supposedly filed to run against me. I was the sitting commissioner in group 5, elected in 2007. At first, Mr. De Filippo submitted his papers in group 5. During qualifying period, he filed in group 6. The City clerk at that time (Solomon Ordenz) did not take notice and submitted his paperwork to the Elections Department as to state that Mr. De Filippo is running in group 5. A few days later, I made a public request for Mr. De Filippo filing papers. While reviewing them, I realized that I should be re-elected unopposed since no one else filed to run in group 5, but me. I immediately contacted the Law Offices of Greenspoon Marder and attorney Joe Geller was assigned to the case. By the time we got to present before a judge, the absentee ballots have already gone out. Six voters had already cast their votes. The judge decided not to take action but pledged to do so after the elections. I won the elections. The law suit became purposeless. The clerk then decided to resign amid his negligence and embarrassment. I believe that, without a shadow of doubt, the City should reimburse me the \$3500 dollars that I paid to Greenspoon Marder.



The second case is more ridiculous. A former NMB resident, a blogger, decided to infringe my voting rights and suppress those of my immediate family members. She made an ethics complaint after she fought unsuccessfully with the City. Her complaint was there were too many people living at my house. (documentation attached) She believes that there were there illegally. Complaint was investigated by both the State Attorney Office and the Ethics Commission. All residents at my house were legitimate. Files were closed.

In the meantime, I keep receiving invoices from Mr. Kuehne on a monthly basis. Mr. Manny Diaz from the Ethics suggested that I contact you. He believes that the City should pay those bills because I was attacked because I am a sitting councilperson and that the case was referred to outside authorities by our then-City attorney Darcee Siegel. I am not asking for reimbursement for the amount previously paid to Mr. Kuehne. I simply want the City to clear the balance. I am about to start a new election cycle and I would like to see those matters resolved before I even file for my last re-election campaign.

It is my certitude that you will be looking at those matters and entrust you to make the right decision at your earliest convenience.

Please, accept my highest regards.

Sincerely,

Frantz Pierre- Councilperson

City of North Miami Beach

Fla. AGO 2013-15 (Fla.A.G.), 2013 WL 4051851

Office of the Attorney General

State of Florida  
AGO 2013-15  
August 6, 2013

\*1 Ms. Darcee S. Siegel  
City Attorney  
City of North Miami Beach  
17011 Northeast 19th Avenue  
North Miami Beach, Florida 33162-3100

Dear Ms. Siegel:

On behalf of the City of North Miami Beach, you ask the following question:

May the city reimburse legal fees incurred by an individual councilmember for challenging a candidate's qualifications to run for the city council when the suit was filed after discovery of credible evidence that the candidate was not a bona fide resident of the city as required by the city's charter?

In sum:

Reimbursement of a councilmember's legal fees may be authorized only when the litigation arises from the exercise of official duties and fulfills a public purpose. While a city has the authority to bring suit to fulfill a municipal purpose, such action must be taken by a majority of the governing body and not at the initiative of an individual councilmember.

You state that a routine investigation of candidates' qualifications by the city's police department was inconclusive as to one candidate's residency. An individual councilmember, thereafter, conducted an online search and discovered evidence that the candidate resided in another town within the 12 months prior to filing her qualifying papers. The councilmember filed suit to enjoin the counting of votes for the candidate and for declaratory judgment as to the candidate's qualification to run for office. After an expedited hearing, the court found the candidate's testimony to not be credible, the candidate failed to show evidence of the required residency, and that competent evidence showed that the candidate resided in another city. The city now wishes to reimburse the councilmember for the legal fees incurred and as support, asserts that it supports the filing of the declaratory action.

While the courts of this state have recognized a common law right of public officials to legal representation at public expense to defend themselves against charges arising from the performance of their official duties and while serving a public purpose,<sup>1</sup> I am not aware of, nor have you drawn my attention to, any statute or case law suggesting that an individual councilmember is entitled to reimbursement of legal expenses incurred in prosecuting an action against another party.

In Attorney General Opinion 91-59, this office considered whether a county was required to reimburse a county commissioner for legal fees incurred in defending the commissioner's qualifications to run for office. The opinion discusses a decision of the Supreme Court of Florida addressing the payment of attorney's fees incurred by public officials. In *Thorner v. City of Fort Walton Beach*,<sup>2</sup> the Court set forth the standard that "[f]or public officials to be entitled to representation at public expense, the litigation must (1) arise out of or in connection with the performance of their official duties and (2) serve a public purpose." Applying this standard to the question presented, this office concluded that the charges against the county commissioner did not arise from misconduct while performing the official duties of the office, but rather occurred prior to the commissioner's election to that office. Accordingly, the commissioner was not entitled to reimbursement for attorney's fees incurred in defending an action challenging his or her qualifications to run for office.

\*2 You assert that the suit for declaratory judgment of a candidate's residency served a public purpose in assuring that the city's charter and ordinance, requiring residency in the city during the 12 months prior to qualification, were not violated.



While the enforcement of the city's charter and ordinances may fulfill a public purpose, the second prong of the standard for reimbursement of attorney's fees set forth in *Thornber* requires that the action arise out of or in connection with the performance of official duties. A legal challenge to the qualifications of a candidate brought by a sitting councilmember would not appear to satisfy the *Thornber* test requiring a nexus to the performance of the sitting councilmember's official duties.

The filing of suits is an action which may be initiated and pursued by the city commission as a collegial body.<sup>3</sup> However, official action by a collegial body is taken by majority vote<sup>4</sup> and not by the initiative of a single member.<sup>5</sup>

Accordingly, it is my opinion that the city may not reimburse legal fees incurred by a councilmember individually prosecuting an action challenging a candidate's qualifications to run for the city council when such action was not taken while performing the official duties of the office.

Sincerely,

Pam Bondi  
Attorney General

#### Footnotes

- <sup>1</sup> See, e.g., *Markham v. State, Department of Revenue*, 298 So. 2d 210 (Fla. 1st DCA 1974); *Ferrera v. Caves*, 475 So. 2d 1295 (Fla. 4th DCA 1985). And see *Maloy v. Board of County Commissioners of Leon County*, 946 So. 2d 1260 (Fla. 1st DCA 2007) (analyzing interplay of doctrine of sovereign immunity and common law right of public officials to receive legal representation at taxpayer expense in defending themselves against litigation arising out of their official duties and while serving a public purpose).
- <sup>2</sup> 568 So. 2d 914 (Fla. 1990).
- <sup>3</sup> See s. 166.021(1), Fla. Stat., recognizing that municipalities have "governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law."
- <sup>4</sup> See s. 166.041(4), Fla. Stat., providing: "A majority of the members of the governing body shall constitute a quorum. An affirmative vote of a majority of a quorum present is necessary to enact any ordinance or adopt any resolution; except that two-thirds of the membership of the board is required to enact an emergency ordinance. On final passage, the vote of each member of the governing body voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the governing body shall become effective 10 days after passage or as otherwise provided therein."
- <sup>5</sup> Cf. Op. Att'y Gen. Fla. 97-61 (1997) (attorney for a school board represents the board as a collegial body and acts at the request of the board as a collegial body and not at the request of an individual member).

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Fla. AGO 2013-15 (Fla.A.G.), 2013 WL 4051851

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## Wardle, Eric

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**From:** Stephanie Kienzle [stephanie.kienzle@gmail.com]  
**Sent:** Sunday, March 04, 2012 7:38 AM  
**To:** Wardle, Eric  
**Cc:** Mary Hilton  
**Subject:** Code matter

Dear Mr. Wardle,

After some research, it has come to my attention that there are four voters registered at the same address of the home belonging to Frantz Pierre who do not appear to be related to each other. This is a direct violation of our city code, which I cited in my blog. There are also possibly up to seven other adults who live there in addition to Pierre, his wife and five children, although this is not confirmed. I would, however, consider the voter registration list, which we must assume to be accurate as it is documented by the county's records.

Ms. Mary Hilton, who sits on the Code Board, directed me to alert you. Consider yourself alerted. I assume you will investigate and issue a notice of violation if it is determined the code has been violated.

Thank you,

Stephanie Kienzle

----- Forwarded message -----

**From:** Stephanie Kienzle <stephanie.kienzle@gmail.com>  
**Date:** Thu, Mar 1, 2012 at 9:51 PM  
**Subject:** Instant Karma's Gonna Get You  
**To:** Stephanie Kienzle <stephanie.kienzle@gmail.com>

## Instant Karma's Gonna Get You

Published March 1, 2012 | By Stephanie Kienzle

Chapter XXIV, Article II of the City of North Miami Beach's City Code Part II deals with the "North Miami Beach Zoning and Land Development Code." Section 24-2, Purpose and Intent, states:

It is the purpose and intent of this Code to provide land use planning and development criteria, standards and regulations to promote, protect and improve, in accordance with present and future needs, the public health, safety, comfort, good order, appearance, convenience, morals, law enforcement and fire protection and general welfare of the citizens and residents of North Miami Beach, Florida; to provide for orderly growth, development, and environmental protection; to provide a vehicle of coordination for all planning and development decisions with area, County, regional and state planning agencies and authorities; to prevent the overcrowding of land and avoid undue concentration of population; and to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services.

Under "Article II, Sec. 24-12 Language," which deals with the definitions of terms used in the the "North Miami Beach Zoning and Land Development Code." One of the items defined is the word "family" as:



*Family:* One (1) or more persons occupying a dwelling, not more than three (3) of whom are unrelated to each other by birth, adoption, or marriage, and who are living and cooking as a single household. (Ord. No. 92-9, § 2, 6-16-92)

That seems pretty clear to me. Apparently, councilman Frantz Pierre didn't get the message. A search of public records, including registered voter lists, Facebook, [spokeo.com](http://spokeo.com) and other search engines, turned up some interesting things, including the fact that there are eleven, COUNT 'EM ELEVEN, adults living in his three bedroom, two bath house. Quite a few of them – more than three are “unrelated to each other by birth, adoption OR marriage.

Read more at: <http://www.votersopinion.com/?p=3398>



LAW OFFICE OF  
BENEDICT P. KUEHNE  
PROFESSIONAL ASSOCIATION

BENEDICT P. KUEHNE\*  
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FORT LAUDERDALE OFFICE

200 S.W. 1<sup>st</sup> Avenue, Suite 1200  
Ft. Lauderdale, FL 33301-2229

REPLY TO: Miami

February 25, 2015

Dotie Joseph, Deputy City Attorney  
17011 NE 19TH Ave  
North Miami Beach, FL 33162-3111  
dotie.joseph@citynmb.com

Re: Councilmember Frantz Pierre  
Invoices for Legal Representation

Dear Ms. Joseph:

Thank you for your email today and telephone call yesterday concerning my representation of Councilmember Frantz Pierre in the matters referenced in your email. My representation of Mr. Pierre extended to providing legal assistance and advice in connection with defending against an apparent citizen complaint that Mr. Pierre facilitated improper voter registrations when a number of persons listed his address in voter registration applications as their own residence. Although the complaint was not valid and was likely submitted for political reasons, it was nonetheless investigated for possible criminal and ethics violations. I provided legal assistance to Councilmember Pierre in favorably closing out the inquiries resulting from the complaint.

For my legal representation, I charged an initial reduced fixed fee of \$5,000.00, and did not bill for hourly representation. Had the inquiries extended into any formal charges by the State Attorney's Office, the Miami-Dade Commission on Ethics & Public Trust, the Florida Commission on Ethics, or the Florida Elections Commission, my legal fee would have increased depending on the nature of the developments.

At the outset of my representation, I spoke with then City Attorney Darcee Siegel about the matter and my representation of Councilmember Pierre. Because he was a Councilmember of North Miami Beach at the time and the complaint was directed to him in his official capacity (even though the allegations were not meritorious), it was my understanding with the City Attorney that the City of North Miami Beach agreed to be responsible for paying my initial legal representation. I also understood that if the matter extended into formal charges (it did not), then the City might re-evaluate payment for my legal services.

Because of the nature of my representation, I looked to my client for payment. I had understood he would either pay me directly and then seek reimbursement from the City, or he would ask the City to pay me directly. For my purposes, I was satisfied with either approach.

I prepared no engagement letter and did not believe that a formal engagement letter was necessary under the circumstances of my representation. I did not receive written confirmation from the City regarding payment of my legal fees, and never thought one was needed. I had an ongoing professional relationship with the City of North Miami Beach, and did not question or doubt my discussions with City officials. I do not maintain itemized hourly billings in the representation, and believe my reduced legal fee was reasonable under the circumstances.

Please let me know whether you require any additional information.

Respectfully submitted,



BENEDICT P. KUEHNE

Copy:

Councilmember Frantz Pierre



Biscayne Building  
19 West Flagler Street  
Suite 220  
Miami, Florida 33130  
Phone: (305) 579-2594  
Fax: (305) 579-2656

Miami-Dade County  
Commission on Ethics  
and Public Trust

# Memo

To: Miriam Ramos, deputy ethics advocate  
From: Karl Ross, ethics investigator  
Date: April 18, 2013  
Re: K12-050 Frantz Pierre Voter Fraud

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**Close-out recommended:**

The above-captioned case was opened in March 2012 after COE fielded allegations from a North Miami Beach blogger about the possible improper registration of unrelated individuals at the home of City Councilman Frantz Pierre, located at 2120 NE 171<sup>st</sup> Street. The home is owned by Councilman Pierre.

It was alleged that as many as nine individuals were registered at said residence, and that not all of them actually lived there. COE referred the matter to the Miami-Dade Police Public Corruption Investigations Bureau (PCIB), which continued the investigation until deciding to close it out on or about March 20, 2013, after interviewing many of the individuals registered to vote at Pierre's residence.

It was the opinion of PCIB investigators that many if not all of the individuals in question had, in fact, lived at the Pierre residence at one time or another and that, consequently, no violation of state elections law could be proven.

As a result, COE should close out its investigation at this time, pending the receipt of a final close-out report from PCIB, which will be added to the file.