

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: 7535 SW 26 Court

City: Davie County: FL Zip Code: 33314

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: Michael A. Etienne, Esq. Telephone Number: 954-548-1511

Address: 111 NE 1st Street, Suite 324

City: Miami County: Miami-Dade Zip Code: 33132

Title of office or position held or sought: City Clerk of the City of North Miami

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

STATE OF FLORIDA  
COUNTY OF Broward

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.

Sworn to (or affirmed) and subscribed before me this 14 day of May, 2015, by Stephanie Kienzle  
(name of person making statement)

[Signature]  
(Signature of Notary Public - State of Florida)  
JOSETTE MCDONNELL  
(Print, Type, or Stamp Commissioned Name of Notary Public)

[Signature]  
SIGNATURE OF COMPLAINANT

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](http://www.ethics.state.fl.us), which contains publications, rules, and other information.

FILED 5/14/15

**The Florida Bar  
Inquiry/Complaint Form**

**PART ONE (See Page 1, PART ONE – Complainant Information.):**

Your Name: Stephanie Kienzle

Organization: \_\_\_\_\_

Address: 7535 SW 26 Court

City, State, Zip Code: Davie, FL 33314

Telephone: 305-335-2093

E-mail: stephanie.kienzle@gmail.com

ACAP Reference No.: \_\_\_\_\_

Have you ever filed a complaint against a member of The Florida Bar: Yes  No

If yes, how many complaints have you filed? 0

Does this complaint pertain to a matter currently in litigation? Yes  No

**PART TWO (See Page 1, PART TWO – Attorney Information.):**

Attorney's Name: Michael A. Etienne, Esq.

Address: 111 NE 1st Street, Suite 324

City, State, Zip Code: Miami, FL 33132

Telephone: 954-548-1511

**PART THREE (See Page 1, PART THREE – Facts/Allegations.): The specific thing or things I am complaining about are: (attach additional sheets as necessary)**

Mr. Etienne is the elected city clerk for the City of North Miami. You can view his official web page here: [http://northmiamifl.gov/northmiamifl/Departments/city\\_clerk/etienne.aspx](http://northmiamifl.gov/northmiamifl/Departments/city_clerk/etienne.aspx)

Unfortunately, due to the fact that he is one of the few City Clerks in the State of Florida who is elected and not appointed, he does not answer to either the City Manager or the Mayor and Council. As such, his continuous inappropriate behavior has gone unchecked for years.

Today, I was the target of two vicious emails from him when a Councilwoman attempted to find out about my public records request. Both emails were sent through the city server, and I was copied on both of them. I have attached them here as exhibits.

This is not the first time Mr. Etienne has behaved inappropriately through emails (including the one that I attempted to obtain via public record but have not yet been able to open), but this is the first time he has attacked me personally. I am not a public official, or even a resident of the City of North Miami, but I am a blogger and member of the media.

I respectfully request the Florida Bar to review this matter and take appropriate action against Mr. Etienne if you feel it is warranted.

Thank you,  
Stephanie Kienzle

**PART FOUR (See Page 1, PART FOUR – Witnesses.): The witnesses in support of my allegations are: [see attached sheet].**

**PART FIVE (See Page 1, PART FIVE – Signature.): Under penalties of perjury, I declare that the foregoing facts are true, correct and complete.**

Stephanie Kienzle

Print Name

Signature

May 14, 2015

Date



Exhibit A

Stephanie Kienzle <stephanie.kienzle@gmail.com>

Public Records Request

Etienne, Michael <metienne@northmiamifl.gov>

Thu, May 14, 2015 at 3:59 PM

To: Carol Keys <keyslaw@keystitle.com>

Cc: "Castillo, Ricardo" <rcastillo@northmiamifl.gov>, "Ghany, Aleem" <aghany@northmiamifl.gov>, "Alexis, Valia Lia" <valexis@northmiamifl.gov>, "Thomas, Stephanie" <stthomas@northmiamifl.gov>, Stephanie <stephanie.kienzle@gmail.com>, "Pedron, Rafael" <rpedron@northmiamifl.gov>

Honorable Keys,

As you know better than all, the clerk's department has nothing to do with records that are not stored here in the clerk's office. We only store minutes, official city contracts, ordinances, resolutions, and election administration materials. With regards to public records request, you know better than most that the staff in the clerk's office divulge records that are given to us by other departments. Address your inquiry to the appropriate department, IT. By the way, stop referring to the person complaining as the "requestor", refer to her as your good old buddy Stephanie.

Michael A. Etienne

Sent from my iPad

On May 14, 2015, at 3:02 PM, Carol Keys <keyslaw@keystitle.com> wrote:

Ricardo and Honorable City Clerk Etienne

I have received an inquiry regarding the format received in a public records request.

The requestor received a cd with files having a .pst extension.

She has tried several programs, including Outlook and has been unable to open the files.

Please advise how to open these.

One shouldn't need to be a computer tech or need special software to open our files.

Thank you,

Carol Frances Keys, Esq.

Vice Mayor, North Miami Council, District 2

12700 Biscayne Boulevard, Suite 401

North Miami, Florida 33181

305-891-1600

The City of North Miami is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All E-mail sent and received is captured by our servers and kept as a public record.



Exhibit B

Stephanie Kienzle <stephanie.kienzle@gmail.com>

**Public Records Request**

**Etienne, Michael** <metienne@northmiamifl.gov>

Thu, May 14, 2015 at 4:44 PM

To: Carol Keys <keyslaw@keystitle.com>

Cc: "Castillo, Ricardo" <rcastillo@northmiamifl.gov>, "Ghany, Aleem" <aghany@northmiamifl.gov>, "Alexis, Valia Lia" <valexis@northmiamifl.gov>, "Thomas, Stephanie" <sthomas@northmiamifl.gov>, Stephanie <stephanie.kienzle@gmail.com>, "Pedron, Rafael" <rpedron@northmiamifl.gov>

Carol,

The public records request procedures are set by the City Manager's Office through the Administrative Regulations. Rafael, Stephanie, and I informed Aleem that there were too many steps the requested information has to go through before the information gets to the clerk's office; thus, we came up with ideas to stream line the process. To date, Aleem has approved the steps we recommended to eliminate (e.g.: City Attorney review and City Manager review steps) in order to stream line the process. Accessibility to public records have nothing to do with the website link, it has everything to do with the administration and execution of the process laid out in the Administrative Regulations. Although I have no jurisdiction over what gets put in or out of the Administrative Regulations, Aleem fortunately has agreed to change the process.

As you know, we wear a badge of honor when certain people have negative comments to say about us...it simple means that we are doing our job pissing off the RIGHT WING TEA PARTY BIGOTS. You and Scott are not like those people so please do not yoke together with the likes of them. As the saying goes, "birds of the same feather folks together." You and I have been improving our relationship lately, please do not let the likes of them ruin that.

Michael A. Etienne

**From:** Carol Keys [mailto:keyslaw@keystitle.com]

**Sent:** Thursday, May 14, 2015 4:28 PM

**To:** Etienne, Michael

**Cc:** Castillo, Ricardo; Ghany, Aleem; Alexis, Valia Lia; Thomas, Stephanie; 'Stephanie'; Pedron, Rafael

**Subject:** RE: Public Records Request

Michael

As a courtesy you were copied since this is a Public Records issue.

Yes, I do receive Stephanie's blog, which I just read and was not happy that someone requesting public records was having such a difficult obtaining. Yes, she is a "requestor" and my relationship with her is not relevant.

I had a similar discussion with someone else last week that had to run back and forth between various departments and cashier to get a public record, which was merely a copy of the Planning Commission package.

I would like to see our public records more accessible. Hopefully the new website link will help.

Carol Frances Keys, Esq.

Vice Mayor, North Miami Council, District 2

12700 Biscayne Boulevard, Suite 401

North Miami, Florida 33181

305-891-1600

**From:** Etienne, Michael [mailto:metienne@northmiamifl.gov]

**Sent:** Thursday, May 14, 2015 4:00 PM

**To:** Carol Keys

**Cc:** Castillo, Ricardo; Ghany, Aleem; Alexis, Valia Lia; Thomas, Stephanie; Stephanie; Pedron, Rafael

**Subject:** Re: Public Records Request

Honorable Keys,

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Michael A. Etienne



Sent from my iPad

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Thank you,

Carol Frances Keys, Esq.

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