

COMMISSION ON ETHICS AND PUBLIC TRUST  
MIAMI-DADE COUNTY

IN RE:

FRANTZ PIERRE

ETHICS COMPLAINT  
C16-34

Respondent.  
\_\_\_\_\_ /

Petitioner, the Advocate for the Miami-Dade County Commission on Ethics and Public Trust, files this complaint against FRANTZ PIERRE for violating Section 2-11.1(g) entitled, Exploitation of Official Position Prohibited, of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (hereinafter "the Code").

1. The Miami-Dade County Commission on Ethics and Public Trust has jurisdiction pursuant to Sections 2-1068 and 2-11.1(s) (8) of the Code of Miami-Dade County.
2. At all times relevant and pertinent to this complaint, Respondent was a Councilman in the City of North Miami Beach.
3. City records show that on or about February 25, 2015, Respondent was issued two Notices of Violations: No. 150225-59 (Case No. 156874) and No. 150225-63 (Case No. 156875).<sup>1</sup>
4. As of March 13, 2015, Respondent had failed to correct the violations he had been cited for.

<sup>1</sup> Case No. 156874 was for a violation of Code section 9-5.2 (storage of wrecked or derelict vehicle on property). Case No. 156875 was for a violation of Code section 24-80 (c) (2) (All fences and walls shall be maintained in a safe, attractive and non-hazardous manner).

5. On or about April 30, 2015, Code Enforcement Officer Tasheema Lewis went to Respondent's house located at 2120 NE 171 Street in North Miami Beach, Florida, to post a Notice of Hearing advising Respondent that a Code Enforcement Board hearing had been scheduled in his cases for May 14, 2015.

6. On or about April 30, 2015, Respondent, Frantz Pierre (Pierre), violated Section 2-11.1(g) of the Code, when he told a City of North Miami Beach Code Enforcement Officer, Tasheema Lewis, that he was a Councilman and that she should not cite violations on his property, by telling her things like, "the City needs to leave them alone," and "when you see this house ignore it... if you want to keep your job, don't even look at this house, don't even look in this direction." Pierre went on to threaten to "fire" the City Manager and the Director of Code Compliance. Pierre tore down the Notice of Hearing that Officer Lewis posted at Respondent's house and threw it in the direction of Lewis' vehicle.

7. Section 2-11.1(g) of the Code, entitled Exploitation of official position prohibited, states, in pertinent part:

"No person included in the terms defined in Subsection (b)(1) through (6) shall use or **attempt to use** his official position to secure special privileges or exemptions for himself or others..."

### COUNT ONE

8. On or about April 30, 2015, Respondent violated Section 2-11.1(g) of the Code when he told a City of North Miami Beach Code Enforcement Officer, Tasheema Lewis, that he was

a Councilman and that she should not cite violations on his property by telling her things like "when you see this house ignore it... if you want to keep your job, don't even look at this house, don't even look in this direction." Pierre went on to threaten to "fire" the City Manager and the Director of Code Compliance.

9. To the extent that the factual allegations contained within the Probable Cause Memorandum are relevant to Count One of this complaint the Probable Cause Memorandum is hereby incorporated by reference and made a part of this complaint herein.

10. A violation of Section 2-11.1(g) is punishable by imposition of a fine of \$500.00 for a first violation and \$1000.00 for each subsequent violation as well as an admonition or public reprimand and the imposition of restitution. If the Ethics Commission finds that a person has intentionally violated this section and determines that a fine is appropriate, said person shall be subject to a fine of one thousand dollars (\$1000.00) for the first such violation and two thousand dollars (\$2000.00) for each subsequent violation. Actual costs incurred by the Ethics Commission, in an amount not to exceed five hundred dollars (\$500.00) per violation, may be assessed where the Ethics Commission has found an intentional violation of this section.

11. Pursuant to Section 2-1074(p), the Ethics Commission has the power to issue an order imposing the penalty under the ordinance being enforced.

WHEREFORE, the Advocate requests the Miami-Dade County Commission on Ethics and Public Trust to enter an order against Respondent, FRANTZ PIERRE, finding that he

intentionally violated Section 2-11.1(g) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, administering a public reprimand and ordering the payment of a fine, and costs.

**NOTARY AND VERIFIED STATEMENT**  
(Pursuant to section 2-1074(a) (1), Code of Miami-Dade County)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

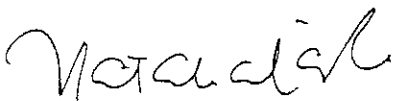
Personally known to me, and appeared before me, Michael P. Murawski, being first duly sworn, says that the allegations set forth in this complaint are based upon facts which have been sworn to as true by a material witness or witnesses and which, if true, would constitute the offenses alleged, and that this complaint is instituted in good faith.

  
MICHAEL P. MURAWSKI

FBN# 921440

Advocate for the Miami-Dade County  
Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, Florida 33130  
(305) 579-2594

SWORN TO and SUBSCRIBED to before me this 27<sup>th</sup> day of September, 2016, at Miami, Miami-Dade County, Florida.

  
NOTARY PUBLIC  
Natalie de la Rosa



Natalie De La Rosa  
Commission # FF949477  
Expires: January 11, 2020  
Bonded thru Aaron Notary

My Commission Expires:

Personally Known X or Produced Identification \_\_\_\_\_  
(Type of identification produced)



## PROBABLE CAUSE MEMORANDUM

To: Commission on Ethics and Public Trust

From: Michael P. Murawski, Advocate

Re: Frantz Pierre C16-34

Date: October 19, 2016

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### Recommendation:

Probable Cause exists that Respondent, North Miami Beach Councilman Frantz Pierre, violated Section 2-11.1(g) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance entitled, Exploitation of Official Position.

### Background and investigation:

The COE received information alleging that on or about April 30, 2015, North Miami Beach (NMB) Councilmember, Frantz Pierre (Pierre), became involved in a verbal altercation with NMB Code Compliance Officer, Tasheema Lewis (Lewis), who was posting a violation on his property at 2120 N.E. 171 Street, North Miami Beach, Florida. Pierre allegedly told Lewis that he was a Councilman and threatened Lewis by saying things like, "when you see this house ignore it... if you want to keep your job, don't even look at this house, don't even look in this direction." Pierre went on to threaten to "fire" the City Manager and the Director of Code Compliance. Pierre tore down the posted notice and threw it in the direction of Lewis's vehicle.

NMB City Attorney, Jose Smith (Smith), advised that he was made aware of the situation concerning Code Officer Lewis and he and City Manager, Ana Garcia (Garcia), had a meeting with Pierre to discuss the incident.

According to Smith, Pierre denied being at his home or even present when the incident took place with Lewis. Pierre claimed that he had a video of the incident but when Smith asked him to produce it so it could be used to determine what really occurred, Pierre refused to provide it and stated he would do so at the proper time.

A COE investigator interviewed Tasheema Lewis. Lewis comes forth as a very credible witness. She described how she posted the Notice of Hearing on Councilman Pierre's home and then took a picture of it. As she was walking back toward her vehicle, a white SUV-type vehicle pulled into the driveway of Pierre's house. Lewis advised that as Pierre exited the vehicle, she recognized him immediately. Lewis explained that there are photos of Pierre and all the other Councilmembers inside City Hall where Lewis attends her code violation hearings. Lewis recounted how a woman, she believed to be Pierre's wife, approached her in a very aggressive manner while yelling at Lewis, "This is harassment" and "Get off the property." Then Pierre stepped in and began telling Lewis things like, "If you want to keep your job, don't even look at this house" and that he was

described the entire incident almost exactly as Lewis except in Mrs. Pierre's version, she claimed her husband was not there.

Respondent Pierre admits that the code violations mentioned in this investigation did exist on his property as alleged by Lewis. Pierre maintained that he was not present at the time of the incident with Lewis and that he was not even at home at that time. He claimed that the entire incident was orchestrated by various city officials who "plotted" against him. Pierre claimed that Lewis "was sent to do this" and that "every election cycle they come up with something."

Pierre also contradicts the testimony of his own wife: Mrs. Pierre claimed that she called her husband the day after the incident with Officer Lewis and made Pierre aware of it for the first time as Pierre was at a doctor's appointment. Conversely, Pierre testified that he was at the doctor's office and saw a news story about him on television and "that's when I called my wife and I told her what happened."

#### Relevant Ordinance:

*Exploitation of official position*, Sec. 2-11.1(g), Miami-Dade Conflict of Interest and Code of Ethics Ordinance: "No person included in the terms defined in Subsection (b) (1) through (6) and (b) (13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others..."

#### Review and Analysis:

Credible evidence in the form of testimony from Code Officer Tasheema Lewis establishes that Pierre used or attempted to use his official position as a Councilman to intimidate Lewis into ignoring or not reporting code violations that existed at his home property.

Testimony of Mrs. Pierre corroborates Officer Lewis's version of the events except for the fact that Mrs. Pierre claims her husband was not present. Mrs. Pierre could not name one other person that was with her at the time to corroborate her testimony.

Councilman Pierre's testimony is not credible. Although he alternatively claims he has or does not have a video tape of the entire incident, he refuses to share what would arguably be exculpatory evidence which, if he is to be believed, would or might completely exonerate him. Instead, Pierre denies any involvement whatsoever and blames the entire incident on a vast "conspiracy" against him by the City Attorney, a former City Police Chief and other City officials.

Based upon the credible evidence against Mr. Pierre, there is probable cause to believe that he violated Section 2-11.1(g) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

## Lewis, Tasheema

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**From:** Lewis, Tasheema  
**Sent:** Thursday, April 30, 2015 2:05 PM  
**To:** Remond, Lazaro  
**Cc:** Sosa-Cruz, Candido  
**Subject:** Councilman Frantz Pierre

Dear Sirs,

It is indispensible that you be made aware of the confrontation that took place today April 30, 2015 at approximately 1:10 PM. I was performing my duties delivering postings to properties in violation of city-codes. I delivered a notice to Councilman Frantz Pierre for violation of Sections 9-5.2 and 24-80(C)(2), Derelict Property and Fence Maintenance. Before posting the notice, I tried to make contact but was ignored. I proceeded to post the notice when Councilman Frantz Pierre and his spouse aggressively approached me informing me that the City of North Miami Beach needs to leave them alone and that he was Councilman. Pierre continued saying, "when you see this house ignore it... if you want to keep your job" remove the violations. He went on to say, "I will fire the City Manager and the Director." As I was leaving the premises, Councilman Frantz Pierre removed the posting and tossed it towards the city vehicle.

**Tasheema Lewis**  
Code Compliance Officer  
City of North Miami Beach  
17050 NE 19th Avenue  
North Miami Beach, Florida 33162  
Office: (305) 948-2964  
Fax: (305) 787-6012  
Email: [tasheema.lewis@citynmb.com](mailto:tasheema.lewis@citynmb.com)

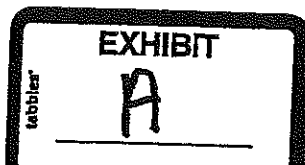


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Please do not print this e-mail unless necessary.



# MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

## COMMISSIONERS

Nelson Bellido, CHAIRMAN  
Judge Lawrence Schwartz, VICE CHAIR  
Jnan Carlos Bermudez  
Judith Bernier  
Marcia Narine



September 27, 2016

## EXECUTIVE STAFF

Joseph M. Centorino  
EXECUTIVE DIRECTOR  
GENERAL COUNSEL  
Michael P. Murawski  
ADVOCATE  
Miriam S. Ramos  
DEPUTY GENERAL COUNSEL

Honorable Frantz Pierre  
City of North Miami Beach  
17011 NE 19<sup>th</sup> Avenue  
North Miami Beach, Fl. 33162

Re: Ethics Complaint C16-34

Dear Councilman Pierre:

Please be advised that an Ethics Complaint has been filed against you, a copy is enclosed. I have also enclosed a copy of the probable cause memorandum I am submitting to the Ethics Commission concerning the complaint. As you can see, my recommendation is that the Commission find that there is probable cause to believe you violated the ethics code. Please keep in mind that my recommendation is not final until the Ethics Commission ratifies it. You are entitled to have a hearing before the Ethics Commission to determine probable cause. Your hearing will be at the next scheduled meeting of the Ethics Commission on **Wednesday, October 19, 2016**. All Ethics Commission meetings are held at 19 W. Flagler Street, suite 820, main conference room, Miami, Florida 33130.

Feel free to contact me at (305) 350-0609 if you would like to discuss this matter or if you have any questions.

Sincerely,

Michael P. Murawski

Cc: Ben Kuehne, Esq.

MPM/rs