

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

19 West Flagler St., Suite 820, Miami, FL 33130
Tel. 305.579.2594 Facsimile 305.579. 0273

COMPLAINT FORM

1. COMPLAINANT (PERSON BRINGING COMPLAINT) Add pages, if necessary

Name: Stephanie Kienzle
Address: 7535 SW 26 Court City: Davie Zip Code 33314
Contact No.'s: *Specify Home, Work &/or Cell* 305-335-2093 Cell
E-mail: stephanie.kienzle@gmail.com

2. RESPONDENT (PERSON AGAINST WHOM COMPLAINT IS MADE) Add pages, if necessary

Name: Michael Joseph
Address: 1566 NE 175 Street City North Miami Beach Zip Code 33162
Contact No(s): *Specify Home, Work &/or Cell* Cell 786-245-2307
Title/Office Held or Sought: North Miami Beach Commissioner

3. IF KNOWN, CHECK WHICH APPLIES: ALLEGATION REFERS TO

Person in County Government Person in City Government. Specify City: North Miami Beach
 County Whistleblower Retaliation Elections Campaign Practices (A fee of \$301.00 is required for expedited process. We only accept payment by check, credit card or money order)

Note: The Ethics Commission does not have jurisdiction over State or Federal officials, Judges or employees or the Miami- Dade County School Board.

4. STATEMENT OF FACTS BASED ON PERSONAL KNOWLEDEGE.

In a separate attachment, please describe in detail the facts and actions that form the basis of your complaint, including dates when the action(s) occurred. Also, attach any relevant documents as well as names and contact information of witnesses or other persons who may have knowledge about the actions. If known, indicate the section of the ordinance you believe is being violated. For further instructions and procedures, see Page 2 of this form.

5. OATH

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

Stephanie Kienzle
Signature of Complainant

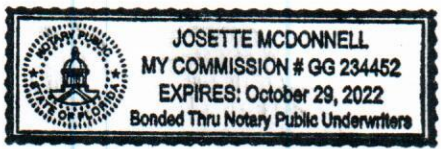
STATE OF FLORIDA
COUNTY OF Broward

Sworn to (or affirmed) and subscribed before me this 28 day of April, 2020

By Stephanie Kienzle
Name of person making statement

Jose M. McDonnell
Signature of Notary Public, State of Florida

Print, Type or Stamp Commissioned Name of Notary Public
Personally known to me or produced identification
Type of identification produced: _____



On two separate occasions North Miami Beach Commissioner Michael Joseph did knowingly and willfully violate Florida public records law, as well as the Miami-Dade County Citizens' Bill of Rights, by either withholding a public record and/or destroying said public record upon request of the complainant, and also lying about the non-existence of a public record, in fact, existed at the time the public records request was made.

1. The first violation is described as follows:

At a publicly held Strategic Planning Session on May 22, 2019, Commissioner Joseph claimed that due to a recent Facebook post about a then-current city issue, he and his family received death threats. He also claimed that at least one of the alleged perpetrators left a voice message of this threat on his phone.

Beginning at hour 2:40:03 of the meeting video, stated that Commissioner McKenzie Fleurimond heard this alleged voicemail message threat. Commissioner Fleurimond did not deny hearing this message, and therefore, should be considered a material witness that said voicemail message(s) did exist.

During this exchange, Commissioner Phyllis Smith asked Commissioner Joseph if he saved this message to which he replied, "Oh, I have them."

The complete video of said Strategic Planning Session may be viewed on the website of the City of North Miami Beach.

This is a direct link to said meeting video:

http://citynmb.granicus.com/MediaPlayer.php?view_id=1&clip_id=177

On September 9, 2019, I made a public records request via email (per attached **EXHIBIT A**) for a copy of the voicemail message,

On October 28, 2019, I received an email response (per attached **EXHIBIT B**) from City Clerk Andrise, stating that she "was informed by Commissioner Michael Joseph, that there are no records responsive to this request."

On December 3, 2019, I sent an email to City Clerk Andrise Bernard (per attached **EXHIBIT C**) amending my original public records request due to the fact that I inadvertently asked for "a copy of the telephone message left for Michael Joseph from Elizabeth Joseph on or about May 16, 2019, wherein Commissioner Joseph claims his life and the lives of his family were threatened...", when I meant to type Elizabeth Judd." I also suggested that this was the reason that Mr. Joseph originally claimed that "there are no records responsive to this request."

On December 5, 2019, I received an email response (per attached **EXHIBIT D**) from City Clerk Andrise Bernard stating, "I attempted to retrieve the voicemail message but it is no longer available."

Accordingly, it is my contention that Commissioner Michael Joseph deliberately withheld and/or destroyed a public record that he publicly claimed existed, and which public record Commissioner McKenzie Fleurimond publicly claimed to have witnessed.

2. The second violation is described as follows:

1. On January 2, 2020, I sent an email to City Clerk Andrise Bernard (per attached **EXHIBIT E**) requesting information about Commissioner Joseph's "residents' survey," specifically whether or not this survey was sanctioned by the City of North Miami Beach. Please note that Miami-Dade County Commission on Ethics and Public Trust Executive Director Jose Arrojo was copied on this email.

On January 5, 2020, I received an email response (per attached **EXHIBIT F**) from Madam Clerk stating that Mr. Joseph's survey was not officially sanctioned by the City of North Miami Beach.

On January 6, 2020, Mr. Jose Arrojo sent an email to myself and North Miami Beach city officials (per attached **EXHIBIT G**) stating, among other things, that "electronic communications from residents regarding municipal matters provided [at] the solicitation of an elected official would be considered public records. All efforts should be made by the records custodian to ensure that the responses are archived and available for public records inspection."

On January 6, 2020, I forwarded Mr. Arrojo's email to Madam Clerk (per attached **EXHIBIT H**) and requested copies of all the responses to Commissioner Michael Joseph's "resident's survey."

On February 3, 2020, I personally completed Mr. Joseph's online "residents' survey", taking a screenshot of each response to his 5 pages of questions, and archived those screenshots in a file folder in my computer on Monday, February 5, 2020 at 12:53:23 PM (per attached **EXHIBIT I**).

On February 4, 2020, I received an email from Madam Clerk (per attached **EXHIBIT J**) stating that "Per Commissioner Joseph there are no records available at this time."

Based on the evidence provided by Exhibit I to this complaint that there was at least one response to Mr. Joseph's residents' survey, he outright lied by claiming on February 4, 2020 that "there are no records available at this time."

Accordingly, Commissioner Michael Joseph **violated the Citizens' Bill of Rights**, specifically Section (A)(2), *Truth in Government*, which states, "No County or municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public."



EXHIBIT A

Stephanie Kienzle <stephanie.kienzle@gmail.com>

Public Records Request

Stephanie Kienzle <stephanie.kienzle@gmail.com>

Mon, Sep 9, 2019 at 10:24 AM

To: Andrise_Bernard <andrise.bernard@citynmb.com>

Cc: "Scott, Esmond" <esmond.scott@citynmb.com>, "Johnston, Sarah" <Sarah.Johnston@citynmb.com>, "Defillipo, Anthony" <anthony.defillipo@citynmb.com>

Good morning, Madam Clerk.

Please consider this my public records request for a copy of the telephone message left for Michael Joseph from Elizabeth Joseph on or about May 16, 2019, wherein Commissioner Joseph claims his life and the lives of his family were threatened, and which alleged threat Mr. Joseph publicly announced at the Strategic Planning Session on May 2, 2019 (citynmb.granicus.com/MediaPlayer.php?view_id=1&clip_id=177).

Thanks for your assistance.

Stephanie Kienzle

EXHIBIT B



Stephanie Kienzle <stephanie.kienzle@gmail.com>

Public Records Request

Bernard, Andrise <Andrise.Bernard@citynmb.com>
To: Stephanie Kienzle <stephanie.kienzle@gmail.com>

Mon, Oct 28, 2019 at 5:27 PM

Good Afternoon Ms. Kienzle,

I was informed by Commissioner Michael Joseph, that there are no records responsive to this request.

Thank you,

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

EXHIBIT C

Stephanie Kienzle <stephanie.kienzle@gmail.com>

North Miami Beach Commissioner Michael Joseph

Stephanie Kienzle <stephanie.kienzle@gmail.com>

Tue, Dec 3, 2019 at 4:20 PM

To: "Bernard, Andrise" <Andrise.Bernard@citynmb.com>

Cc: "Arrojo, Jose (COE)" <jose.arrojo@miamidade.gov>, "Scott, Esmond" <Esmond.Scott@citynmb.com>, "Johnston, Sarah" <Sarah.Johnston@citynmb.com>, "Defillipo, Anthony" <Anthony.Defillipo@citynmb.com>

Dear Madam Clerk,

It has come to my attention that due to a typographical error, I mistakenly asked for "a copy of the telephone message left for Michael Joseph from **Elizabeth Joseph** on or about May 16, 2019, wherein Commissioner Joseph claims his life and the lives of his family were threatened...", when I meant to type **Elizabeth Judd**. This is most likely the reason that Commissioner Joseph claimed that "there are no records responsive to this request," even though he most likely knew very well to whom I was referring and was simply being coy.

Therefore, I am amending my public records request, as follows:

Please provide a copy or copies of **all voicemail message recordings** from **Elizabeth Judd** and/or any other individual, received by Commissioner Michael Joseph with respect to his statement at the Strategic Planning Session that took place on May 22, 2019 (see attached [video](#)), wherein he said, and I quote verbatim:

"I got calls threatening my family. MY FAMILY! Because of certain comments. VOICEMAILS! And I'm sure people who don't look like me didn't get calls about."

Thank you in advance for your timely response to my public records request.

Sincerely,

Stephanie Kienzle

On Mon, Oct 28, 2019 at 5:28 PM Bernard, Andrise <Andrise.Bernard@citynmb.com> wrote:

[Quoted text hidden]

EXHIBIT D



Stephanie Kienzle <stephanie.kienzle@gmail.com>

North Miami Beach Commissioner Michael Joseph

Bernard, Andrise <Andrise.Bernard@citynmb.com>

Thu, Dec 5, 2019 at 3:13 PM

To: Stephanie Kienzle <stephanie.kienzle@gmail.com>

Cc: "Arrojo, Jose (COE)" <jose.arrojo@miamidade.gov>, "Scott, Esmond" <Esmond.Scott@citynmb.com>, "Johnston, Sarah" <Sarah.Johnston@citynmb.com>, "Joseph, Michael" <Michael.Joseph@citynmb.com>

Good Afternoon Ms. Kienzle,

In response to your Public Records Request, I attempted to retrieve the voicemail message but it is no longer available.

Sincerely,

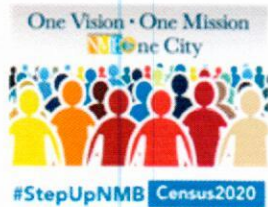
Andrise Bernard | CMC, City Clerk

City of North Miami Beach

Office of the City Clerk

T (305) 787-6001

F (305) 787-6026



From: Stephanie Kienzle <stephanie.kienzle@gmail.com>

Sent: Tuesday, December 3, 2019 4:21 PM

To: Bernard, Andrise <Andrise.Bernard@citynmb.com>

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

EXHIBIT E



Stephanie Kienzle <stephanie.kienzle@gmail.com>

Question re Michael Joseph's "residents' survey"

Stephanie Kienzle <stephanie.kienzle@gmail.com>

Thu, Jan 2, 2020 at 8:35 PM

To: "Scott, Esmond" <esmond.scott@citynmb.com>, "Arrojo, Jose (COE)" <jose.arrojo@miamidade.gov>

Cc: "Johnston, Sarah" <Sarah.Johnston@citynmb.com>, "Defillipo, Anthony" <anthony.defillipo@citynmb.com>

Dear City Manager Scott,

First of all, let me wish you a Happy and Healthy New Year.

I received the below email from Commissioner Michael Joseph, who provided a link to a "residents' survey" with the directive, "Please **let us know** how you think we can continue moving NMB in a positive direction by completing our survey here."

As such, I would like to know whether or not this is an official email and survey sanctioned by the City of North Miami Beach.

If so, which city department is going to analyze the results of this survey, and how are those results going to be utilized to improve the "quality of life"for the residents of North Miami Beach.

If it is not an official email and survey sanctioned by the City of North Miami Beach, please advise what steps the administration is going to take to sanction Mr. Joseph for this false representation of city business and abuse of his official position.

I look forward to hearing back from you.

Stephanie Kienzle

cc: Executive Director Jose Arrojo, Miami-Dade County Commission on Ethics and Public Trust

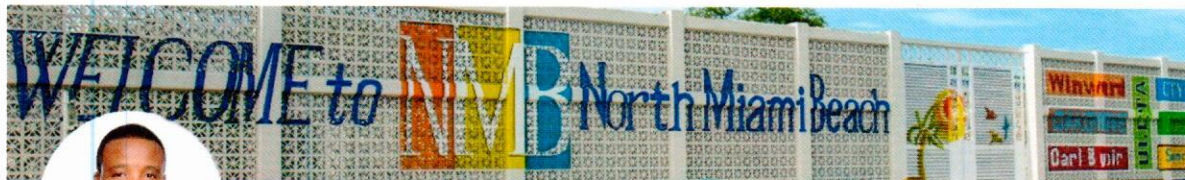
----- Forwarded message -----

From: **Michael Joseph, Esq.** <mike@michaeljosephnmb.com>

Date: Wed, Jan 1, 2020 at 11:46 AM

Subject: Happy New Year!

To: <stephanie.kienzle@gmail.com>



MICHAEL JOSEPH

COMMISSIONER'S CORNER AND COMMUNITY NEWS

Happy New Year 2020!

Dear Friends:

2019 has been a transformative year for North Miami Beach. Thank you to all the people who contributed to help us achieve major victories this year ([Read our 2019 Annual Report Card here](#)).

I am excited for 2020 and promoting our quality of life. Please let us know how you think we can continue moving NMB in a positive direction by completing our survey here:

<https://www.michaeljosephnmb.com/residentsurvey>

Have a happy and safe New Year!



Learn more about North Miami Beach, Public Meetings and Community Events, visit:

www.CityNMB.com

Paid for by Michael Joseph. Not at taxpayer expense.

Sent via ActionNetwork.org. To update your email address, change your name or address, or to stop receiving emails from NMB Community, please [click here](#).

EXHIBIT F



Stephanie Kienzle <stephanie.kienzle@gmail.com>

Question re Michael Joseph's "residents' survey"

Scott, Esmond <Esmond.Scott@citynmb.com>

Sun, Jan 5, 2020 at 11:48 PM

To: Stephanie Kienzle <stephanie.kienzle@gmail.com>

Cc: "Arrojo, Jose (COE)" <jose.arrojo@miamidade.gov>, "Johnston, Sarah" <Sarah.Johnston@citynmb.com>, "Defillipo, Anthony" <Anthony.Defillipo@citynmb.com>

Ms. Kienzle:

Good evening.

Best wishes for a great New Year as well.

The email and survey referenced here are not officially sanctioned by the City of North Miami Beach.

Consequently, staff will not be involved in any analysis.

My administration does not have any sanctioning powers over commissioners.

Regards,

Esmond K. Scott

City Manager

Sent from my iPhone

[Quoted text hidden]

[Quoted text hidden]

PLEASE NOTE: The City of North Miami Beach 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 public record.

PLEASE NOTE: The City of North Miami Beach 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 public record.

EXHIBIT G

Stephanie Kienzle <stephanie.kienzle@gmail.com>

Question re Michael Joseph's "residents' survey"

Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>

Mon, Jan 6, 2020 at 10:14 AM

To: Stephanie Kienzle <stephanie.kienzle@gmail.com>

Cc: "Johnston, Sarah" <Sarah.Johnston@citynmb.com>, "anthony.defillipo@citynmb.com"

<anthony.defillipo@citynmb.com>, "Scott, Esmond K. [CITYNMB]" <esmond.scott@citynmb.com>, "Murawski, Michael P. (COE)" <Michael.Murawski@miamidade.gov>

Dear Ms. Kienzle:

Thank you for copying me on this series of emails relating to Commissioner Michael Joseph's on-line survey of North Miami Beach residents' views and concerns regarding the City. Without commenting on who, if anyone, is authorized to sanction or censure a North Miami Beach elected official, as I have no jurisdiction with such a matter, I can share the following with you.

I have consulted with the City Attorney regarding the survey responses. While the survey is not being done under the direction or supervision of the City Manager and on a Commissioner's private electronic platform, electronic communications from residents regarding municipal matters provided to the solicitation of an elected official would be considered public records. All efforts should be made by the records custodian to ensure that the responses are archived and available for public records inspection.

While I certainly do not speak for the North Miami City Attorney, I believe that Ms. Johnston and I agree on this.

Best regards

Jose J. Arrojo

Executive Director

Miami-Dade Commission on Ethics and Public Trust

19 W. Flagler Street, Suite 820

Miami, FL 33130

Jose.Arrojo@miamidade.gov

Tel: (305) 579-2594

Fax: (305) 579-0273

<http://ethics.miamidade.gov/>



From: Scott, Esmond <Esmond.Scott@citynmb.com>
Sent: Sunday, January 5, 2020 11:48 PM
To: Stephanie Kienzle <stephanie.kienzle@gmail.com>
Cc: Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Johnston, Sarah <Sarah.Johnston@citynmb.com>; anthony.defillipo@citynmb.com
Subject: Re: Question re Michael Joseph's "residents' survey"

EMAIL RECEIVED FROM EXTERNAL SOURCE.

[Quoted text hidden]

EXHIBIT H



Stephanie Kienzle <stephanie.kienzle@gmail.com>

Question re Michael Joseph's "residents' survey"

Stephanie Kienzle <stephanie.kienzle@gmail.com>

Mon, Jan 6, 2020 at 10:56 AM

To: Andrise_Bernard <andrise.bernard@citynmb.com>

Cc: "Scott, Esmond" <esmond.scott@citynmb.com>, "Johnston, Sarah" <Sarah.Johnston@citynmb.com>, "Defillipo, Anthony" <anthony.defillipo@citynmb.com>

Dear Madam Clerk,

Per the below email from Mr. Jose Arrojo of the Miami-Dade Commission on Ethics and Public Trust, this is my public records request for copies of all the responses to Commissioner Michael Joseph's "resident's survey," which he, as records custodian, have been directed to archive for public records inspection.

Thank you in advance for your assistance.

Stephanie Kienzle

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

From: **Arrojo, Jose (COE)** <Jose.Arrojo@miamidade.gov>

Date: Mon, Jan 6, 2020 at 10:14 AM

Subject: RE: Question re Michael Joseph's "residents' survey"

To: Stephanie Kienzle <stephanie.kienzle@gmail.com>

Cc: Johnston, Sarah <Sarah.Johnston@citynmb.com>, anthony.defillipo@citynmb.com <anthony.defillipo@citynmb.com>, Scott, Esmond K. [CITYNMB] <esmond.scott@citynmb.com>, Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>

[Quoted text hidden]

Resident Survey Properties



- General
- Sharing
- Security
- Previous Versions
- Customize

Resident Survey

Type: File folder

Location: C:\Users\steph\OneDrive\Documents\VOTERSOP

Size: 5.92 MB (6,217,755 bytes)

Size on disk: 5.94 MB (6,234,112 bytes)

Contains: 7 Files, 0 Folders

Created: Monday, February 3, 2020, 12:53:23 PM

Attributes: Read-only (Only applies to files in folder)

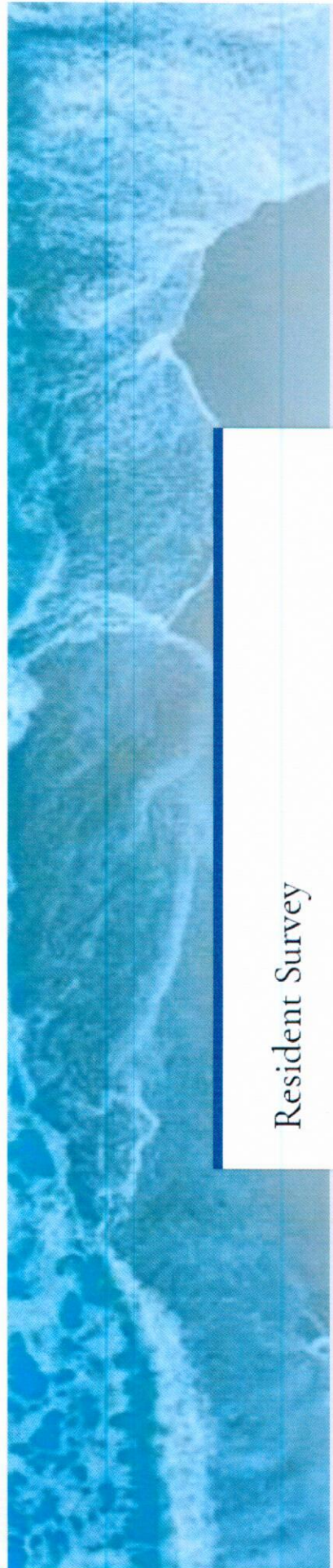
Hidden

Advanced...

OK

Cancel

Apply



Resident Survey

Your responses to this survey are completely secure. All responses are combined with the responses of other residents to obtain an overall idea of the impact made to the city and how we can grow.

Brought to you by North Miami Beach Commissioner Michael Joseph.
michaeljosephnmb.com
mike@michaeljosephnmb.com

* Required

Zip Code *

33162

Neighborhood Name (if unknown, type ' N/A' *)

N/A

NEXT

Page 1 of 5

Never submit passwords through Google Forms.

Receiving Information

Does your household have access to reliable internet? *

- Yes
- No
- Other:

How do you prefer to get information about services and community resources? Check the top three choices.

- Calling an information line
- TV
- Social Media
- Email
- Text message
- Mail
- Radio
- City website
- Other:

BACK NEXT

Page 2 of 5

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Resident Survey

Transportation

Which of the following statements best describes your situation?

- There are no transportation options in my area for people who do not drive.
- I can get where I need to go. Transportation is not usually a challenge for me.
- I have a good understanding of transportation options in my area, but cannot afford to use them.
- I can afford transportation, but I do not understand how to use it.
- I know about and can afford transportation, but I am not able to use it because of a disability.
- I know about and can afford transportation, but I choose not to use it for another reason (please explain):
- Other:

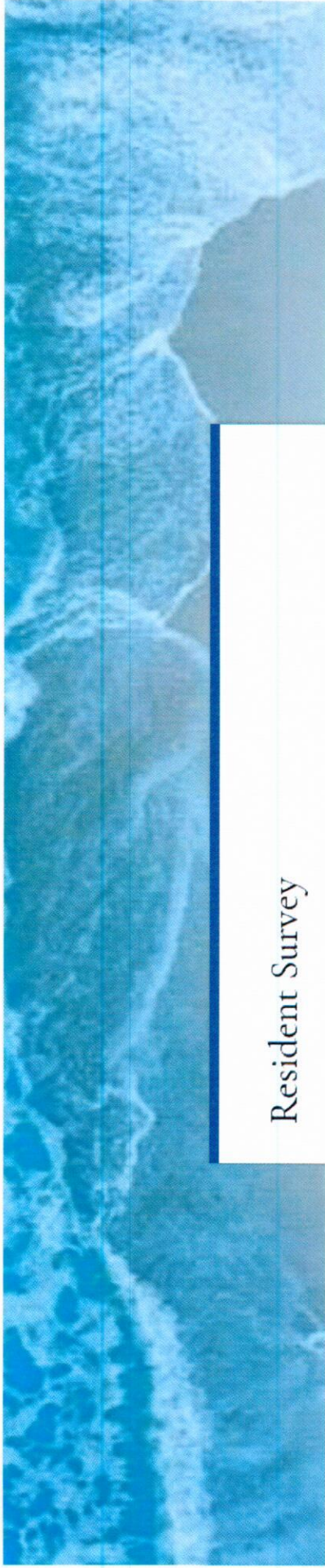
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Resident Survey

* Required

Quality of Life

On a scale of 1 through 5, with 5 being "great," how do you feel about the quality of city services? *

1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

On a scale of 1 through 5, with 5 being "great," how do you feel about the value of city services? *

1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

On a scale of 1 through 5, with 5 being "great," how do you feel about the direction the city is moving in? *

1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

On a scale of 1 through 5, with 5 being "great," how do you feel about the direction the city is moving in? *

- 1 2 3 4 5
-

On a scale of 1 through 5, with 5 being "most definitely," do you think it is affordable to live in North Miami Beach? *

- 1 2 3 4 5
-

On a scale of 1 through 5, with 5 being "most definitely," should North Miami Beach have more social, cultural activities? *

- 1 2 3 4 5
-

On a scale of 1 through 5, with 5 being "great," how is your overall quality of life? *

- 1 2 3 4 5
-

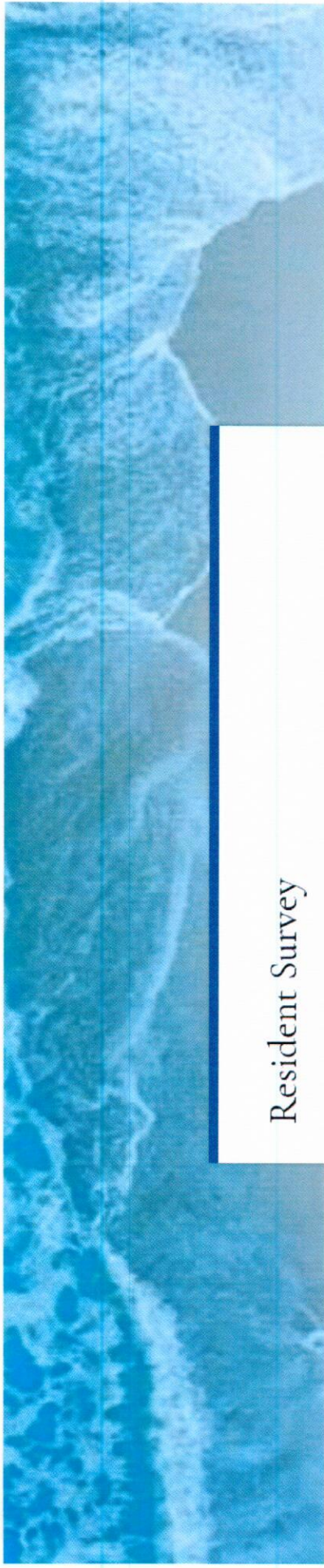
BACK

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Page 4 of 5

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Resident Survey

Feedback

What are some of the ways you can feel safer in North Miami Beach?

I feel safe.

The City of North Miami Beach has \$27 million in excess funds. How would you like to see these monies used to best serve the city?

Keep the money in the reserve account.

How would you like to see North Miami Beach improve?

Vote out Michael Joseph.

BACK

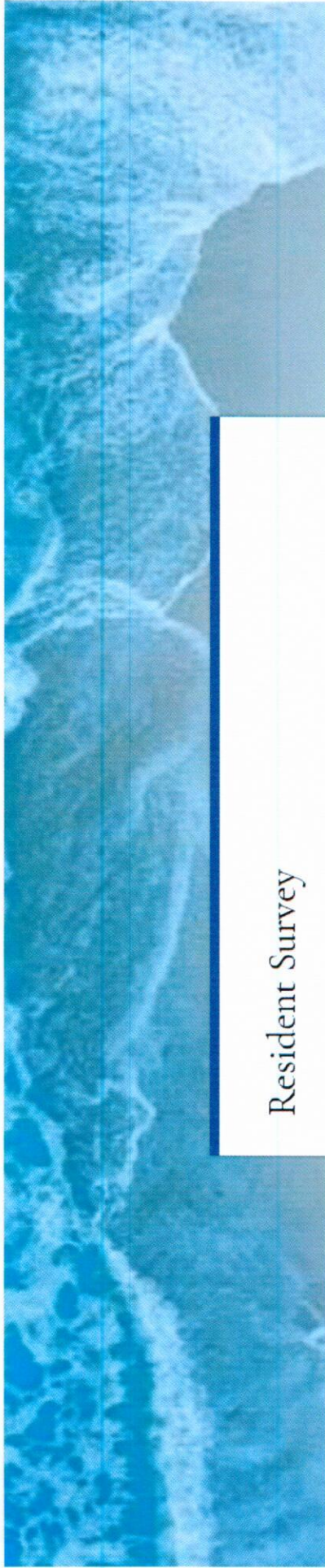
SUBMIT

Page 5 of 5

Never submit passwords through Google Forms.

This form was created inside of Michael Joseph NMB [Report Abuse](#)

Google Forms



Resident Survey

Your response has been recorded. Thank you.

[Submit another response](#)

This form was created inside of Michael Joseph NMB. [Report Abuse](#)

Google Forms

EXHIBIT J



Stephanie Kienzle <stephanie.kienzle@gmail.com>

Question re Michael Joseph's "residents' survey"

Bernard, Andrise <Andrise.Bernard@citynmb.com>

Tue, Feb 4, 2020 at 10:24 PM

To: Stephanie Kienzle <stephanie.kienzle@gmail.com>

Cc: "Scott, Esmond" <Esmond.Scott@citynmb.com>, "Johnston, Sarah" <Sarah.Johnston@citynmb.com>, "Defillipo, Anthony" <Anthony.Defillipo@citynmb.com>, "Arrojo, Jose (COE)" <jose.arrojo@miamidade.gov>

Dear Ms. Kienzle,

In response to your Public Records Request, the Office of the City Clerk has not received any copies of "residents survey". Per Commissioner Joseph there are no records available at this time.

Sincerely,

Andrise Bernard | CMC, City Clerk

City of North Miami Beach

Office of the City Clerk

T (305) 787-6001

F (305) 787-6026



From: Stephanie Kienzle <stephanie.kienzle@gmail.com>

Sent: Monday, February 3, 2020 10:34 AM

To: Bernard, Andrise <Andrise.Bernard@citynmb.com>

Cc: Scott, Esmond <Esmond.Scott@citynmb.com>; Johnston, Sarah <Sarah.Johnston@citynmb.com>; Defillipo, Anthony <Anthony.Defillipo@citynmb.com>; Arrojo, Jose (COE) <jose.arrojo@miamidade.gov>

Subject: Re: Question re Michael Joseph's "residents' survey"

Madam Clerk, Please advise the status of the below public records request.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]
[Quoted text hidden]

[Quoted text hidden]
[Quoted text hidden]

From: Scott, Esmond <Esmond.Scott@citynmb.com>

[Quoted text hidden]

[Quoted text hidden]
[Quoted text hidden]
[Quoted text hidden]

[Quoted text hidden]
[Quoted text hidden]