

Stephanie Kienzle <stephanie.kienzle@gmail.com>

Public Records Request

Stephanie Kienzle <stephanie.kienzle@gmail.com>

Sat, Jul 25, 2020 at 3:49 PM

To: "Arrojo, Jose (COE)" <jose.arrojo@miamidade.gov>

Cc: "Murawski, Michael P. (COE)" <Michael.Murawski@miamidade.gov>, "Yenise Jacobi

(yjacobi@villageofelportal.org)" <yjacobi@villageofelportal.org>, Village Manager

<villagemanager@villageofelportal.org>, "Perez, Martha D. (COE)" <Martha.Perez2@miamidade.gov>, Vimari

Roman <VRoman@villageofelportal.org>, Norman Powell <norman@normanpowell.com>

Dear Mr. Arrojo,

According to the below email dated Friday, July 24, 2020 at 5:33 PM from El Portal Interim Village Attorney Norman Powell, he states that Councilperson Vimari Roman "discarded" her alleged "handwritten statement" that she read at a June 23, 2020 virtual meeting of the Mayor and Council. I'm not sure why it took him eleven days to respond to your inquiry only to do so on a Friday evening after the close of business, but I suppose that's par for the course. As you already know, Mr. Arrojo, this is not the first time the Village of El Portal has been less than forthcoming when it comes to turning over public records.

Please note that in an email to me on July 14, 2020, you wrote, "I would agree that there is support for the proposition that a public official's personal notes can become public records if shared with other officials." Accordingly, it is my contention that Ms. Roman's statement was "shared with other officials" when she read it aloud at the public meeting, thus causing said document to become an official public record. The fact that she subsequently "discarded" said document, as attested to by the Interim Village Attorney, is evidence that she violated both the laws of the State of Florida with respect to public records, as well as the Code of Ethics of Miami-Dade County. Please advise of the course of action the Miami-Dade County Commission on Ethics and Public Trust will be taking.

In his email, Mr. Powell also indicated that the Village of El Portal will provide me with a transcript of the June 23, 2020 meeting. By copy to the Village Clerk, who was already included in this email chain, I am hereby making my public records request for said transcript. Considering that I made my initial public records request on June 24, 2020, I certainly hope it will not be another month before I receive this document.

Thank you for your assistance in this matter.

Stephanie Kienzle

On Fri, Jul 24, 2020 at 5:33 PM Norman Powell <norman@normanpowell.com> wrote:

Good Afternoon Mr. Murawski,

Please allow this e-mail to follow up our telephone call regarding Ms. Kienzle's Public Records Requests. I have confirmed that Councilperson Roman threw away the notes of her speech; and that she did not share them with any Village Official. Please note that there is a video of the Meeting that is available on the Village's website that is readily accessible to the public. In addition, there is also a transcript of the Meeting the Village can provide Ms. Kienzle.

With regard to the Request for certain e-mails and texts, the Village Manager has requested and continues to follow for that information from the Village's IT vendor. The vendor has advised that they are working on the request and is attempting to resolve it as quickly as possible. For your information, I have attached the Village's vendor's status e-mail regarding the Request.

Should you require any further information, please contact me.

Thank you.

Norman C. Powell, Esq.

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From: Arrojo, Jose (COE) [mailto:Jose.Arrojo@miamidade.gov]
Sent: Friday, July 24, 2020 12:45 PM
To: Stephanie Kienzle
Cc: Murawski, Michael P. (COE); Perez, Martha D. (COE); Norman Powell
Subject: FW: Public Records Request

Dear Ms. Kienzle:

Good afternoon. We have completed our interaction with the Village of El Portal regarding your public records request. Earlier this week, Mr. Murawski and Mr. Powell conferred and I believe that you can expect a response from the Village.

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: Arrojo, Jose (COE) [<mailto:Jose.Arrojo@miamidade.gov>]

Sent: Tuesday, July 14, 2020 11:12 AM

To: 'Stephanie Kienzle'

Cc: Alou, Christia [VILLAGEOFELPORTAL]; Yenise Jacobi; vroman@villageofelportal.org; Norman Powell; Murawski, Michael P. (COE); Perez, Martha D. (COE)

Subject: RE: Public Records Request

Dear Ms. Kienzle:

Good morning. The Village Manager and Village Clerk have both spoken to me about your public records request and that municipality's response, and so I know that there is work being done by the Village as regards your request.

I would agree that there is support for the proposition that a public official's personal notes can become public records if shared with other officials. For example an official's handwritten notes used to prepare a report and not shared with any one else, might be appropriately discarded once a final document generated. However, if the notes are shared with colleagues, in preparation of the final document, then they would be a public record that could not be destroyed.

I note that the Village Attorney, Mr. Powell is copied on your note. I have likewise copied Mr. Powell on this response.

I will round back to Mr. Powell regarding your request and to confirm whether or not the notes the Commissioner read from are still available or whether they have been destroyed. I will share with you the results of my discussion with him and the Ethics Commission will take appropriate action.

Best regards,

Jose J. Arrojo

Executive Director

Miami-Dade Commission on Ethics and Public Trust

19 W. Flagler Street, Suite 820

Miami, FL 33130

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From: Stephanie Kienzle <stephanie.kienzle@gmail.com>
Sent: Tuesday, July 14, 2020 10:49 AM
To: Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>
Cc: Alou, Christia [VILLAGEOFELPORTAL] <villagemanager@villageofelportal.org>; Yenise Jacobi <Yjacobi@villageofelportal.org>; vroman@villageofelportal.org; Norman Powell <norman@normanpowell.com>
Subject: Re: Public Records Request

EMAIL RECEIVED FROM EXTERNAL SOURCE.

Dear Mr. Arrojo,

It has been one week since I sent my below email, and I have yet to receive a response to my public records request. I would very much appreciate your involvement in this matter. Please advise.

Sincerely,

Stephanie Kienzle

On Tue, Jul 7, 2020 at 9:02 AM Stephanie Kienzle <stephanie.kienzle@gmail.com> wrote:

Dear Mr. Arrojo,

I hope this email finds you well. Once again I find myself in the unfortunate position of requesting your assistance in obtaining public records from the Village of El Portal.

Per my emails below dated June 24, 2020 and June 27, 2020, it appears that Councilwoman Vimari Roman is still refusing to comply with Chapter 119 of the Florida Statutes, as well as the Miami-Dade County Code of Ethics and Citizens' Bill of Rights.

By way of explanation, please refer to the June 23, 2020 Village Council meeting. At hour 4:11:56 of the [meeting video](#), Councilperson Vimari Roman read a prepared written statement during which she announced, "I just want to go over a brief statement, and I am going to go ahead and read it just because I want to be precise..."

According to Florida public records laws, regardless of whether her statement was handwritten, typewritten, or digital, the document from which she was reading is an official public record due to the fact that she made reference to official municipal business.

As an aside, Councilperson Roman's statement also contained several false and defamatory comments about myself, as well as unnamed "elected officials" an unnamed employee of the Village of El Portal. I will, however, deal with that matter in a separate venue.

As a relatively new and inexperienced elected official, it's quite possible that Ms. Roman has not yet been properly advised by counsel of her responsibilities with respect to public records. In case she is unaware of your agency's many courses on Ethics and Public Trust, her attendance would certainly be beneficial to her and to the public if she intends to continue a career in public service.

In any event, Mr. Arrojo, I would greatly appreciate your intervention in this matter so that I may be able to obtain copies of the official municipal records to which I am legally entitled by virtue of Chapter 119 of the Florida Statutes.

Thank you once again for all you do to uphold the integrity of Miami-Dade County local governments, and also for your assistance in this matter.

Respectfully,

Stephanie Kienzle

On Sat, Jun 27, 2020 at 9:58 AM Stephanie Kienzle <stephanie.kienzle@gmail.com> wrote:

Dear Madam Clerk,

With respect my below public records request dated June 24, 2020, I am hereby amending item number 2, as follows:

Any and all documentation, including personal or official notes, including handwritten, prepared by Councilperson Vimari Roman with respect to the speech she read at the June 23, 2020 Council meeting.

In addition, I am also making an additional public records request for the following:

Any and all documentation, including personal or official notes, including handwritten, email, digital, as well as telephone calls and text messages between Councilperson Vimari Roman and any other Village official, including the Mayor, Village Manager, Village Attorney and/or any Councilperson, with respect to her preparation for the City Council Meeting dated June 23, 2020, including but not limited to the speech she read near the end of said meeting.

Please remind Councilperson Roman that, as a public official and sole custodian of the above referenced public records, pursuant to [Chapter 119 of the Florida Statutes](#), as well as the Miami-Dade County Citizens' Bill of Rights, a copy of which is attached hereto, Councilperson Roman is obligated to produce these records in a timely manner.

A copy of this email is being sent to Jose Arrojo, Executive Director of the Miami-Dade County Commission on Ethics and Public Trust in case Councilperson Roman requires direction or instruction regarding her responsibility to comply with public records requests.

Thank you for your assistance in this matter.

Stephanie Kienzle

On Wed, Jun 24, 2020 at 11:26 AM Stephanie Kienzle <stephanie.kienzle@gmail.com> wrote:

Dear Madam Clerk,

Pursuant to Chapter 119 of the Florida Statutes, please consider this my public records request for the following items:

1. Copy of the speech read by Councilperson Vimari Roman at the Council meeting on June 23, 2020.
2. The name of the person to whom Councilperson Roman was referring about overtime pay.
3. Copies of all building permits issued from January 1, 2019 through the current date on the property located at 112 NE 90 ST MIAMI, FL 33138.

Thank you in advance for your assistance in this matter.

Stephanie Kienzle

7535 SW 26 Court

Davie, FL 33314

305-335-2093