

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

STATE OF FLORIDA

COUNTY OF Broward

Sworn to (or affirmed) and subscribed before me this 28 day of April, 202020

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: _____

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, or lying about the non-existence of a public record.

STATEMENT OF FACTS:

1. On April 7, 2020, I submitted a revised public records request, per the attached **EXHIBIT A** to the City Clerk of North Miami Beach, asking for specific documentation regarding Commissioner Joseph's public statement that he received "a couple of calls from some people from FEMA, as well as calls from the County level and I think Councilmember [sic] Wilson's office as well. They're looking to partner up and see how they can assist us at the local level." The documents I requested were as follows:
 - a. Copies of all date stamped telephone logs from March 1, 2020 through and including March 17, 2020 between Commissioner Michael Joseph and any and all representatives/employees of FEMA;
 - b. Copies of all date stamped telephone logs from March 1, 2020 through and including March 17, 2020 between Commissioner Michael Joseph and any and all representatives/employees of Miami-Dade County; and
 - c. Copies of all date stamped telephone logs from March 1, 2020 through and including March 17, 2020 between Commissioner Michael Joseph and any and all representatives/employees of Congressman Frederica Wilson.
2. On April 8, 2020, I received a response from Madam Clerk, per the attached **EXHIBIT B**.
3. Attached thereto was an item labeled "Documents," per the attached **EXHIBIT C**., which was merely a two page document listing what appears to be two telephone numbers, (202) 850-0992 and (712) 775-7270, and three dates, i.e., Mar 22 6:30 PM, Mar 20 6:05 PM, Mar 13 7:34 PM, and Mar 17 5:47 PM.
4. On April 26, 2020, I sent a follow-up email to Madam Clerk, per the attached **EXHIBIT D**, asking for the status of my public records request, acknowledging receipt of the item labeled "Documents," and asking if more documentation would be forthcoming.
5. On April 27, 2020, I received a response from Madam Clerk, per the attached **EXHIBIT E**, advising that no more records would be forthcoming in response to my request.

CONCLUSION AND BASIS OF COMPLAINT:

Based on the evidence provided by the above Exhibits to this complaint, Commissioner Michael Joseph is either refusing to comply with my public records request, or he has destroyed the subject records, for telephone call logs documenting his phone calls from FEMA, the County and Congresswoman Wilson, per his public statement at a March 17, 2020 North Miami Beach Commission meeting.

In the event that no such records exist or ever existed, then it is my contention that he outright lied by publicly claiming at a March 17, 2020 Commission meeting that he received "a couple of calls from some people from FEMA, as well as calls from the County level and I think Councilmember [sic] Wilson's office as well. They're looking to partner up and see how they can assist us at the local level."

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>

Tue, Apr 7, 2020 at 5:44 PM

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

Cc: "Scott, Esmond" <esmond.scott@citynmb.com>, "Defillipo, Anthony" <anthony.defillipo@citynmb.com>, "Arrojo, Jose (COE)" <jose.arrojo@miamidade.gov>, DEspino@wsh-law.com

Dear Madam Clerk,

Thank you for your attached response to my public records request, per my below email of March 26, 2020.

I have reviewed the documents provided by Commissioner Joseph, and it appears that none of them are responsive to my public records request.

Furthermore, none of the documents appear to back up his public statement that he received **"a couple of calls from some people from FEMA, as well as calls from the County level and I think Councilmember [sic] Wilson's office as well. They're looking to partner up and see how they can assist us at the local level."**

Accordingly, I wish to amend my public records request by limiting my specific request to the following item::

1. Copies of all date stamped telephone logs from March 1, 2020 through and including March 17, 2020 between Commissioner Michael Joseph and any and all representatives/employees of FEMA;
2. Copies of all date stamped telephone logs from March 1, 2020 through and including March 17, 2020 between Commissioner Michael Joseph and any and all representatives/employees of Miami-Dade County; and
3. Copies of all date stamped telephone logs from March 1, 2020 through and including March 17, 2020 between Commissioner Michael Joseph and any and all representatives/employees of Congressman Frederica Wilson

I look forward to a timely response to this public records request.

Thank you for your assistance.

Stephanie Kienzle

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

[2020 Elected Officials Joint Workshop Session.pdf](#)

[Coral Gables Pandemic Flu COOP Template.pdf](#)

[Coronavirus Community Update 031620.pdf](#)

[Coronavirus Transportation Update March 20, 202...](#)

[Coronavirus Transportation Update March 23, 202...](#)

[Coronavirus Update March 19, 2020.pdf](#)

[Coronavirus Update.pdf](#)

- [Coronavirus Update_ My Call to Action 032420.pdf](#)
- [District 2 Caronavirus Update March 18, 2020.pdf](#)
- [District 2 COVID 19 Updates March 24, 2020.pdf](#)
- [District 2 COVID 19 Updates March 25, 2020.pdf](#)
- [Documents.pdf](#)
- [Emergency Management Notification_ Coronavirus ...](#)
- [Emergency Management Notification_ Coronavirus ...](#)
- [EOC Situation Report #7 for Coronavirus Disease...](#)
- [EOC Situation Report #8 for Coronavirus Disease...](#)
- [EOC Situation Report #9 for Coronavirus Disease...](#)
- [EYE ON ETHICS Newsletter.pdf](#)
- [Farmshare Drive Thru Food Giveaway Thursday, Ma...](#)
- [FDEM Survey for Response Facilities - Urgent.pdf](#)
- [Florida Small Business Assistance.pdf](#)
- [Friends Don't Let Friends Not Be Counted.pdf](#)
- [IMPORTANT INFORMATION_ COVID-19 Pandemic Reque...](#)
- [IMPORTANT INFORMATION_ COVID-19 Pandemic Reque...](#)
- [IMPORTANT INFORMATION_ COVID-19 Pandemic Reque...](#)
- [IMPORTANT INFORMATION_ COVID-19 Pandemic Reque...](#)
- [IMPORTANT INFORMATION_ OEM Warehouse Items and...](#)
- [IMPORTANT INFORMATION_ OEM Warehouse Items and...](#)
- [Incident Action Plan #2 \(COVID-19\).pdf](#)
- [JOIN ME_ Press Conference 3_12.pdf](#)
- [Key Information About Coronavirus 031320.pdf](#)
- [Mayor Gimenez's COVID-19 Update for March 18, 2...](#)
- [Mayor Gimenez's COVID-19 Update for March 19, 2...](#)
- [Mayor Gimenez's COVID-19 Update for March 20, 2...](#)
- [Mayor Gimenez's COVID-19 Update for March 21 20...](#)
- [Mayor Gimenez's COVID-19 Update for March 22, 2...](#)
- [Mayor Gimenez's COVID-19 Update for March 23, 2...](#)
- [Mayor Gimenez's COVID-19 Update for March 24, 2...](#)

- [📄 Mayor Gimenez's COVID-19 Update for March 25, 2...](#)
- [📄 Message from Miami-Dade County Commissioner Sal...](#)
- [📄 Miami-Dade County Commissioner Sally A. Heyman ...](#)
- [📄 Miami-Dade County Commissioner Sally A. Heyman ...](#)
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- [📄 Miami-Dade County Commissioner Sally A. Heyman ...](#)
- [📄 Miami-Dade County Commissioner Sally A. Heyman ...](#)
- [📄 Miami-Dade County COVID-19 Updates & resources.pdf](#)
- [📄 Miami-Dade EOC Situation Report #6 for Coronavi...](#)
- [📄 Reminder_ Office of Resilience Response to Coro...](#)
- [📄 RESPONSE NEEDED_ Coronavirus Disease 2019 \(COV...](#)
- [📄 RESPONSE NEEDED_ Coronavirus Disease 2019 \(COV...](#)
- [📄 RESPONSE NEEDED_ Coronavirus Disease 2019 \(COV...](#)
- [📄 RESPONSE NEEDED_ Coronavirus Disease 2019 \(COV...](#)
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- [📄 RESPONSE NEEDED_ Coronavirus Disease 2019 \(COV...](#)
- [📄 RESPONSE NEEDED_ Municipal Procurement Contact...](#)
- [📄 Save the Date - Press Conference 3_12.pdf](#)
- [📄 Situation Report #10 \(COVID-19\).pdf](#)
- [📄 Situation Report #11 \(COVID-19\).pdf](#)
- [📄 UPDATE on FDEM Mission Request.pdf](#)
- [📄 UPDATE_ Scheduled FEMA Advanced Professional S...](#)
- [📄 Updated Legal Kit \(from FDLE\).pdf](#)
- [📄 WebEOC Resource Requests.pdf](#)

On Thu, Mar 26, 2020 at 10:42 AM Stephanie Kienzle <stephanie.kienzle@gmail.com> wrote:
Dear Madam Clerk,

I hope this email finds you well and safe.

During the final Commission Report given at the March 17, 2020 Commission meeting, Michael Joseph, who attended telephonically, publicly stated the following:

"I got a couple of calls from some people from FEMA, as well as calls from the County level and I think Councilmember [sic] Wilson's office as well. They're looking to partner up and see how they can assist us at the local level."

Accordingly, this email will serve as my public records request for copies of all telephone logs, emails, text messages, correspondences, and/or fax transmissions between Commissioner Joseph and any and all representatives/employees from FEMA, Miami-Dade County, and Congresswoman Frederica Wilson's local and/or Washington DC office, from March 1, 2020 through the present date.

Thank you in advance for your assistance.

Stephanie Kienzle

EXHIBIT B



Stephanie Kienzle <stephanie.kienzle@gmail.com>

Public Records Request

Bernard, Andrise <Andrise.Bernard@citynmb.com> Wed, Apr 8, 2020 at 1:08 PM
To: Stephanie Kienzle <stephanie.kienzle@gmail.com>
Cc: "Scott, Esmond" <Esmond.Scott@citynmb.com>, "Defillipo, Anthony" <Anthony.Defillipo@citynmb.com>, "Arrojo, Jose (COE)" <jose.arrojo@miamidade.gov>, "DEspino@wsh-law.com" <DEspino@wsh-law.com>

Good Afternoon Ms. Kienzle,

Please see the attached response to your Public Records Request.

Sincerely,

Andrise Bernard | CMC, City Clerk

City of North Miami Beach

Office of the City Clerk

T (305) 787-6001

F (305) 787-6026



17011 NE 19th Avenue, North Miami Beach, FL 33162

From: Stephanie Kienzle <stephanie.kienzle@gmail.com>
Sent: Tuesday, April 7, 2020 5:44 PM
To: Bernard, Andrise <Andrise.Bernard@citynmb.com>
Cc: Scott, Esmond <Esmond.Scott@citynmb.com>; Defillipo, Anthony <Anthony.Defillipo@citynmb.com>; Arrojo, Jose (COE) <jose.arrojo@miamidade.gov>; DEspino@wsh-law.com
Subject: Re: Public Records Request

Dear Madam Clerk,

[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.

[Quoted text hidden]

 **Documents.pdf**
35K

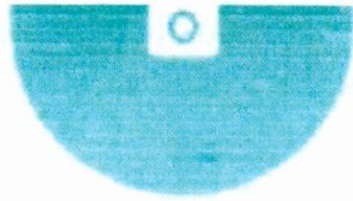
EXHIBIT C

(202) 850-0992

Mar 22 6:30 PM

Mar 20 6:06 PM

Mar 13 7:34 PM



(712) 775-7270

Mar 17 5:47 PM

EXHIBIT D

Stephanie Kienzle <stephanie.kienzle@gmail.com>

Public Records Request

Stephanie Kienzle <stephanie.kienzle@gmail.com>

Sun, Apr 26, 2020 at 10:06 PM

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

Cc: "Scott, Esmond" <Esmond.Scott@citynmb.com>, "Defillipo, Anthony" <Anthony.Defillipo@citynmb.com>, "Arrojo, Jose (COE)" <jose.arrojo@miamidade.gov>, "DEspino@wsh-law.com" <DEspino@wsh-law.com>

Good evening, Madam Clerk,

I hope all is well with you and your family.

I'm writing to check the status of my public records request for the following items:

1. Copies of all date stamped telephone logs from March 1, 2020 through and including March 17, 2020 between Commissioner Michael Joseph and any and all representatives/employees of FEMA;
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3. Copies of all date stamped telephone logs from March 1, 2020 through and including March 17, 2020 between Commissioner Michael Joseph and any and all representatives/employees of Congressman Frederica Wilson

On April 8, 2020, you responded by sending me only the attached item labeled "Documents," which reflects none of the information I requested. Please advise if more documentation will be forthcoming.

I realize that Commissioner Joseph is the actual custodian of these records, and that you are not responsible if he does not turn them over to you. Please advise if he is still refusing to comply with my request so that I may determine my next course of action.

Thank you so much. Please stay safe!

Stephanie

[Quoted text hidden]


 **Documents.pdf**
35K

EXHIBIT E



Stephanie Kienzle <stephanie.kienzle@gmail.com>

Public Records Request

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

Mon, Apr 27, 2020 at 6:33 PM

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

Cc: "Scott, Esmond" <Esmond.Scott@citynmb.com>, "Defillipo, Anthony" <Anthony.Defillipo@citynmb.com>, "Arrojo, Jose (COE)" <jose.arrojo@miamidade.gov>, Daniel Espino <DEspino@wsh-law.com>

Good Evening Ms. Kienzle,

Hope you and your family are doing well. There are no more records forthcoming in responsive to the below Public Records Request.

Stay Safe.

[Quoted text hidden]

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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, or lying about the non-existence of a public record.

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5. On April 27, 2020, I received a response from Madam Clerk, per the attached **EXHIBIT E**, advising that no more records would be forthcoming in response to my request.

CONCLUSION AND BASIS OF COMPLAINT:

Based on the evidence provided by the above Exhibits to this complaint, Commissioner Michael Joseph is either refusing to comply with my public records request, or he has destroyed the subject records, for telephone call logs documenting his phone calls from FEMA, the County and Congresswoman Wilson, per his public statement at a March 17, 2020 North Miami Beach Commission meeting.

In the event that no such records exist or ever existed, then it is my contention that he outright lied by publicly claiming at a March 17, 2020 Commission meeting that he received "a couple of calls from some people from FEMA, as well as calls from the County level and I think Councilmember [sic] Wilson's office as well. They're looking to partner up and see how they can assist us at the local level."

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."