



**Miami-Dade Commission on Ethics & Public Trust**  
**Investigative Report**

Investigator: Karl Ross

Case No.: C20-18-04

Subject: North Miami Beach Comm. Michael Joseph

Case Name: Stephanie Kienzle v. Comm. Michael Joseph

Date Opened: May 21, 2020

Date Submitted: June, 22, 2020

**Allegations:**

Complainant Kienzle made two distinct allegations against Comm. Joseph in her ethics complaint dated April 28, 2020. The first involved the commissioner's alleged mishandling of a "threatening message" left on his personal cell phone on or about May 2019. Kienzle alleged the commissioner failed to preserve what she contended was a public record. The second involved a survey that Comm. Joseph made available online to constituents and other interested parties on or about January 1, 2020. Ms. Kienzle alleged Comm. Joseph was unresponsive to a public records request she made for copies of completed surveys several days later.

**Relevant Law:**

Complainant Kienzle maintains that Comm. Joseph violated the Citizens' Bill of Rights, *Truth in Government* provision, Section (2)(A), 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."

**Investigation:**

On May 19, 2020, this investigator reviewed the formal complaint filed against Comm. Joseph by Complainant Kienzle and related exhibits and records.

On May 20, 2020, this investigator contacted Comm. Joseph by email to advise him of the complaint and to request an interview. He responded that he would be willing to discuss and requested a copy of the complaint, which was provided electronically.

On May 21, 2020, Comm. Joseph responded to the allegations during a phone interview. His answers were summarized in a statement of interview and added to the case file.

As it relates to Allegation #1 in the complaint, Comm. Joseph advised as follows:

- Comm. Joseph advised that he did receive irate and threatening phone calls in response to a Facebook post on his personal account sometime in April/ May 2019. He said the post had to do with a vote to terminate the then-City Clerk of NMB, Pamela Latimore, who is African-American.
- He further referenced a post by NMB Mayor DeFillipo regarding the decision to fire Latimore that Comm. Joseph deemed to be racially offensive to Haitian-Americans and inflammatory.
- Comm. Joseph said the voicemail containing the threatening message was left on his personal cell phone, (786) 897-3773.
- He said he pays for this phone himself and that he does not have a city cell phone or cell phone stipend.
- He said the threat consisted of an unidentified caller threatening “to string you up” in what he considered to be a lynching reference.
- He said he did not recognize the number or the identity of the caller.
- He said that Comm. Fleurimond may have “overheard” the threatening message on his phone.
- He said the message was automatically deleted by his carrier, Sprint, after 30 days. “It was on my phone and was self-deleted,” he said. “The system deleted it.”
- He said he considered the threat to be “credible” but decided not to pursue the matter with law enforcement.
- He said he did not make a tape recording of the threat or otherwise preserve the message.
- He said his response to Ms. Kienzle’s public records request several months later had nothing to do with her typo regarding the name of the person she believed to have left the threatening message – Elizabeth Judd, as opposed to Elizabeth Joseph.
- He said that, at the time he received the threatening message, he was not aware of any requirement or city rule requiring him to retain voicemail messages.
- He said that in a subsequent conversation he had with City Clerk Bernard, he was advised that voicemail messages were considered to be “transitory.”
- He said he considers Ms. Kienzle’s complaint to be frivolous, and stated he had nothing further to say about it.

As it relates to Allegation #2 in the complaint, Comm. Joseph advised as follows:

- Comm. Joseph acknowledged that on or about Jan. 1, 2020, he released an online survey through his personal Facebook account regarding the public's views on the City of North Miami Beach.
- He stressed that no city resources were used or expended in connection with this survey.
- He said the survey was "open to anyone," not just city residents, and that Kienzle, who is not a resident, would have accessed the survey through his Facebook page.
- He stated that the purpose of the survey was to gather information and that he expected this to be a long-term endeavor.
- He said the survey was set up with the assistance of a friend, and that he did not expect to receive any information until after "a certain number of responses" were received.
- He said that unless a certain number of responses were provided the survey would not be statistically meaningful.
- He said this was his first attempt to conduct an online survey.
- He advised that, as of the date of Kienzle's public records request (Jan. 6, 2020), he had not seen or received copies of any responses to the survey.
- He advised that, as of the present date, he has not seen or received copies of any responses to the survey – including that of Kienzle (filed on Feb. 3, 2020, according to her complaint).
- He said that he had been truthful in responding to Ms. Kienzle's public records request, resulting in the Clerk's reply to Kienzle on Feb. 4, 2020, that: "Per Commissioner Joseph there are no records available at this time."
- He said he considered the complaint to be frivolous.

On May 21, 2020, a copy of these notes were sent to COE General Counsel Martha Perez.

On May 21, 2020, COE reviewed a story published in the Miami New Times on or about June 7, 2019. The article was written by Jay Ianelli, and it concerned the firing of former North Miami Beach Clerk Pamela Latimore and the subsequent political reaction against Comm. Joseph and other Haitian-American commissioners. The story was added to the file.

On May 21, 2020, this investigator asked Comm. Joseph to review interview notes for accuracy.

On May 22, 2020, Comm. Joseph affirmed he had reviewed the interview notes, and made the following additions and/or suggested revisions, which were added to the file:

- In his response, Comm. Joseph noted that Mayor DeFillipo's Facebook post was deemed to be racially insensitive and was censured by the North Miami Beach Commission.

- He included a copy of a blog article by the Complainant Kienzle “accusing city commissioners of being racially motivated in their termination of Ms. Latimore,” which Comm. Joseph depicted as “untrue and illegal.”
- He further provided a copy of Kienzle’s Jan. 3, 2020, response to his Facebook survey in which she referred to it as “a joke,” stating: “Your survey is a joke, you’re a joke, and all your dirty tricks are about to catch up with you.” He further referenced her remark: “Oh, and by the way, you are not above the law. Delete this comment, which is now a public record, at your own peril and watch what happens next.”
- He accused Complainant Kienzle of harassment.

On May 23, his response and related exhibits were forwarded to COE General Counsel Perez.

On June 10, 2020, the Commission on Ethics and Public Trust met and agreed to the Advocate’s recommendation to dismiss Allegation #1 relating to the complaint, but requested additional information about Allegation #2 as it related to the mechanics of the residents survey.

On June 15, 2020, a phone interview was conducted with the Complainant.

Ms. Kienzle advised that she took the residents survey issued by Comm. Joseph after receiving an email link from the commissioner. She forwarded a copy of said email to Advocate Mike Murawski in which Comm. Joseph uses what appears to be an official city logo with the words “Commissioners Corner” in the upper right-hand corner.

She further advised that the email contained a link to what she described as the commissioner’s personal website <https://www.michaeljosephnmb.com/newsevents>. The website features a header titled “Michael Joseph/ Attorney & Commissioner.”

Ms. Kienzle stated that when she took the survey, she took it at a “googledocs” web address, and indicated that according to her research results of such surveys were available “in real time.” She said that this supports her contention that Comm. Joseph withheld records.

On June 15, 2020, COE contacted the North Miami Beach City Clerk’s office and confirmed that Comm. Joseph’s commission seat is up for re-election at the November 2020 General Election. He was elected in November 2018, according to the employee at the clerk’s office.

On June 15, 2020, Advocate Murawski spoke to Comm. Joseph’s attorney, Stephen Hunter Johnson, and advised him that, in his opinion, the email sent to Kienzle inviting her to take the residents survey had the appearance and trappings of an official correspondence. He requested the name of the individual who assisted Comm. Joseph with the survey.

On June 15, 2020, Mr. Johnson provided the information via email. He identified the individual as Woody Remy. He said Mr. Remy could be contacted at [remystockinvestments@gmail.com](mailto:remystockinvestments@gmail.com).

On June 15, 2020, Mr. Remy was contacted by email to request an interview with COE.

Notes from that interview taking place on June 17, 2020, are provided below.

- Mr. Remy advised that he is a long-time friend of Comm. Joseph, that they've known each other since childhood. He said he assisted Comm. Joseph during his first campaign for elected office about 10 years ago, but has had limited involvement with any campaigns since that time.
- Remy said that late last year, however, he and Comm. Joseph discussed his upcoming reelection effort and he agreed to help the commissioner prepare a "residents survey" to assist with his political campaign. He said that it was anticipated that the survey would be used to develop information about residents' views over the ensuing six to eight months and use that information to inform the campaign. "It was pretty much for his campaign, to gauge where the people are at," he said.
- Remy said he set up the survey on a Google platform using Google docs, and that he linked the survey to Comm. Joseph's personal website. He said he didn't view or attempt to extract any of the survey results from Google until about a week ago, when he did so at the commissioner's request.
- He said Comm. Joseph asked him to gather any information in response to an ethics complaint that had been filed against him. "I kind of just let it go," Remy said, with respect to any analysis of the survey results. "Michael just called me and said he needed the information."
- Remy said he was disappointed by the low number of responses submitted as of that time, just 19, whereas he and Comm. Joseph had anticipated 100 or more responses. He indicate that such a low number of responses meant the results of the survey would not be statistically meaningful.
- Remy stated that, prior to last week, he had not provided Comm. Joseph with any survey-related information. "Prior to that, no information" was provided to the commissioner, he said. "I told him all we had was raw data, and I would have to go into that data."
- Remy said that at or about the time of the public records request (early January), he had not seen or attempted to retrieve any information relating to the survey. He said that Comm. Joseph did not ask him to retrieve any information at that time. He stated that the information pertained to a political campaign.
- Remy said that, by way of background, he minored in computer sciences at Florida State University but does not work in IT. He said he works in the criminal justice system as a victim's advocate, working mostly with law enforcement and the families of homicide victims. He agreed to answer any follow-up questions.

On or about June 19, 2020, Mr. Remy was asked in a follow-up email to provide any terms of

compensation he may have received in connection with the survey, along with a copy of any survey results provided to Comm. Joseph at his request the previous week.

On June 19, 2020, Mr. Remy responded by email and advised that he was not compensated in connection with the survey, only that “I was helping out a good friend with his campaign messaging.” He additionally provided a copy of survey results to date. It should be noted that the Respondent’s survey results appeared to be included among the 19 surveys. Her survey was the 15<sup>th</sup> listed on the results spreadsheet and could be identified based on the comments Ms. Kienzle made, which were identical to the comments contained in her screen shots used as exhibits to her complaint. These included responses to survey questions in which she stated: “I feel safe”; “Keep the money in the reserve account”; and, “Vote out Michael Joseph.”

**Documents/Exhibit:**

- Copy of Complaint No. 20-18-04 filed by Stephanie Kienzle against Comm. Joseph, and accompanying exhibits and related public records.
- Copy of article published in the Miami New Times titled “North Miami Beach Mayor Reprimanded for Racist Post About Haitians” and retrieved from the following link: <https://www.miaminewtimes.com/news/north-miami-beach-mayor-tony-defillipo-reprimanded-for-racist-haitian-post-11189806>
- Copy of response items provided to COE by Comm. Joseph on May 22, 2020, along with accompanying exhibits, articles, blog posts and public records.
- Copy of survey results provided by Mr. Remy in response to COE request.

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COE Investigator Karl Ross

Approved by:

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Michael Murawski, Advocate