

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.

Signature of Complainant

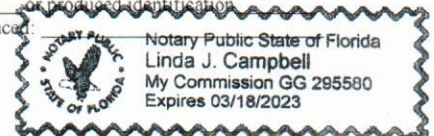
STATE OF FLORIDA
COUNTY OF Broward

Sworn to (or affirmed) and subscribed before me this 9 day of September, 202020

By Stephanie Kienzle
Name of person making statement

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: _____



STEPHANIE KIENZLE ETHICS COMPLAINT ALLEGATIONS

Commissioner Michael Joseph abused and exploited his official position for personal gain by improperly attempting to coerce the City Attorney and outside law firms to issue an incorrect legal opinion falsely stating Mayor Anthony F. DeFillipo cannot run for re-election.

This complaint does not allege that there is anything wrong with Michael Joseph or any public official asking for a legal opinion or even asking for clarification of a legal opinion. Rather, it is alleged in this Complaint that Michael Joseph violated the Code of Ethics by trying to force the then City Attorney Sarah Johnson and the lawyers at Weiss, Serota who were then applicants to be City Attorney to intentionally draft a false legal opinion. Michael Joseph exploited his position as a Commissioner by threatening these lawyers by informing them that he would abuse his position to make sure that did not obtain or maintain employment with the City unless they issued a legal opinion that they knew was false.

In other words, Commissioner Joseph used his position as a City Commissioner to meet with the then City Attorney Sarah Johnson and the lawyers at Weiss Serota who wanted to be City Attorney, and advised that if they did not cave in to his demands that they withdraw their prior correct legal opinion and issue an illegal opinion falsely stating that the Mayor could not again seek office, that he would exploit his position to adversely affect their employment with the City.

Joseph specifically met with Sarah Johnson, Dan Espino, Robert Meyers and others in this regard. Joseph was motivated by his selfish political and financial interests. If the Mayor could not, he was going to run for Mayor and would also have the effect of removing political opposition. This would also benefit him financially. Becoming Mayor and/or having a better chance of remaining in office would result in his receiving financial rewards and would also benefit his law practice and financial future.

1. Section 2-11.1(g) of the Miami Dade Ethics Code prohibiting Exploitation of Official Position, which states, **“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 except as may be specifically**

permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.”

2. Section (A)(2) of the Citizens Bill of Rights of the Miami Dade County Home Rule Charter, entitled “*TRUTH IN GOVERNMENT*,” prohibiting municipal officials from furnishing false information on any matter of public concern, 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.**”
3. Florida Statute 104.31 entitled, “Political activities of state, county, and municipal officers and employees.—,” prohibiting public officials from using their office to interfere in an election, which states: “**(1) No officer or employee of the state, or of any county or municipality thereof, except as hereinafter exempted from provisions hereof, shall: (a) Use his or her official authority or influence for the purpose of interfering with an election or a nomination of office or coercing or influencing another person’s vote or affecting the result thereof.**”
4. Violation of this provision is a criminal act. Florida Statute 104.31 (3) also states, “**Any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).**”
5. F.S. 112.313 (6), entitled “MISUSE OF PUBLIC POSITION.—,” which states, “**No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. [104.31](#).**”