



MIAMI BEACH

From police chief to whistle blower: Fired while investigating mayor. Now he's suing.

BY SARAH BLASKEY
sblaskey@miamiherald.com

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Former North Bay Village Police Chief Carlos Noriega filed a whistle-blower lawsuit in federal court Friday, naming the city as primary defendant. The summons was served to Mayor Connie Leon-Kreps.

Noriega alleges that his April 5 firing was retaliation for several criminal investigations into Leon-Kreps and her allies, most notably a case involving the alleged blackmail of a former commissioner.

Under Florida law, it is illegal to fire or otherwise retaliate against an employee who reports illegal or unethical acts of an employer. And documents filed in the suit show that as early as May 24, 2017, Noriega had informed city officials of a potential criminal case involving the mayor that he had passed on to the Florida Department of Law Enforcement.

"Chief Noriega is an honest, dedicated and ethical law enforcement officer and public servant for over 35 years," attorney Eugene Gibbons said in a statement after filing the suit, "and we are fully committed to seeking justice on his behalf. The repugnant, devious and unlawful motivations and actions of the Village leaders involved in this case will be fully exposed and there will be no doubt Noriega's termination was in violation of the law."

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The complaint, filed in the Southern District Court of Florida, states that an investigation overseen by Noriega initially suggested that Leon-Kreps, city advisory board member Ana Watson, and Mary Kramer, wife of commissioner Jose Alvarez, "all conspired and engaged in the extortion and blackmail of another sitting Village commissioner, Douglas Hornsby."

Hornsby says that in spring of 2017 he received letters in his mailbox containing records of a 30-year-old criminal cocaine trafficking charge from Tennessee, and a suggestion that it might make him ineligible to serve on the commission. His interpretation: fire then-city manager Frank Rollason or suffer the embarrassment of this scandal being made public.

Leon-Kreps had a years-long dispute with Rollason, and had been trying to stack the deck on the commission to have him removed. When she suggested Hornsby take an open seat in late 2016, Hornsby said the mayor's support came with the condition that he vote to fire the city manager. He did not follow through and began to receive the letters, and according to May 2017 commission meeting minutes, threats to his life. Leon-Kreps denies involvement with the blackmail.

The case was sent to FDLE, and the State Attorney's office contacted Leon-Kreps for an interview. She declined on the advice of her lawyer. Noriega stayed peripherally involved in the case.

Rollason, who appointed Noriega as police chief in 2015, said the chief "brought the department into the 21st century." But Rollason said he still begged Noriega to resign with him in January order to avoid backlash from the mayor. The chief declined. "He said, 'No, I'm going to stick this out. This is an important investigation and if I go out the door it'll drop,' " Rollason recalls.

The lawsuit claims that Noriega was also retaliated against for his role in an criminal investigation into Watson, a close friend of the mayor, who in January was charged with felony fraud for forging checks from the condo association where she served as treasurer and then depositing them into a personal account.

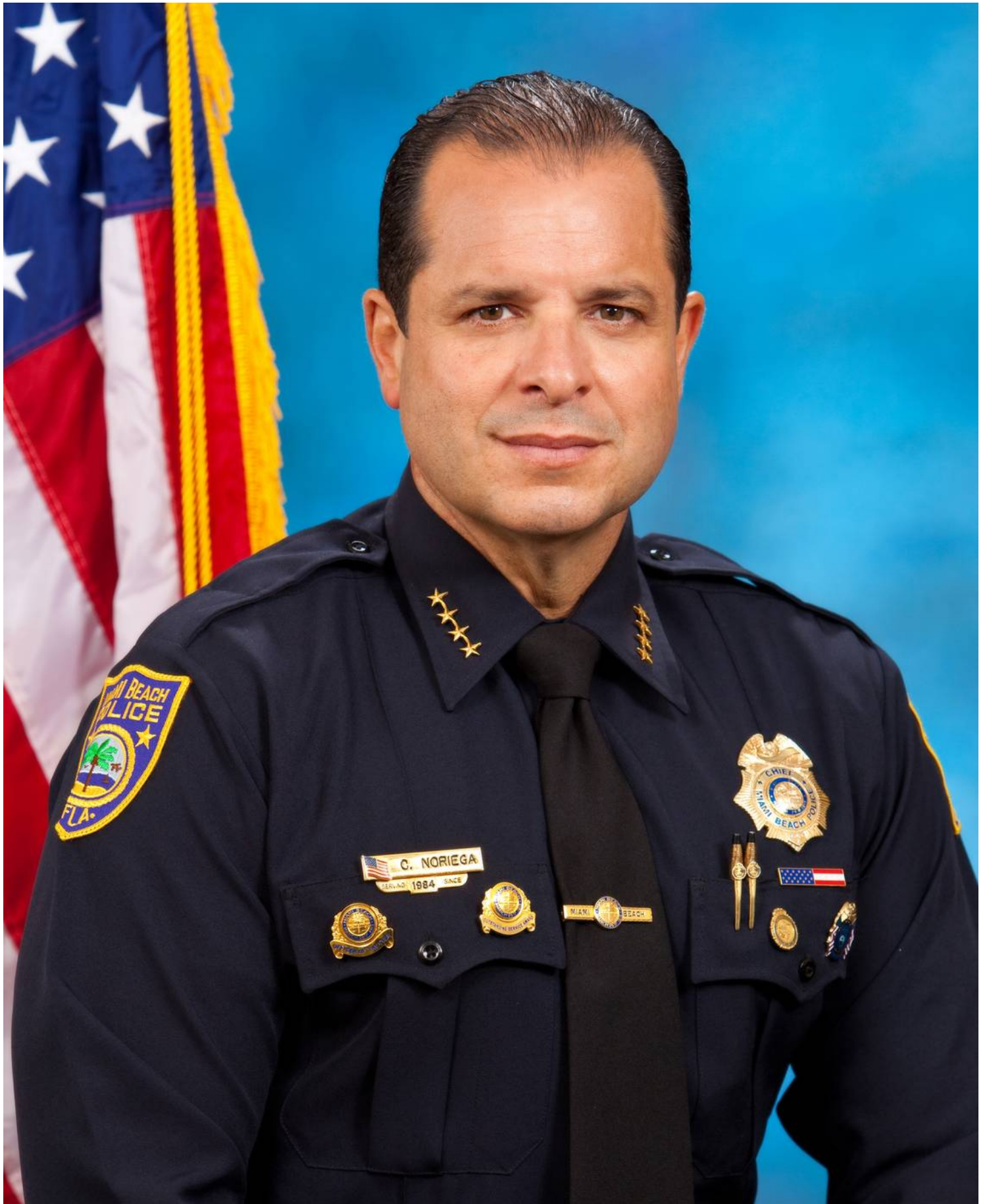
Leon-Kreps declined to comment on the whistle-blower case. However, she previously stated: "I do not have anything to do with the hiring and firing of our village's police officers or employees."

Noriega was fired six days into the tenure of Marlen Martell, who was appointed to replace Rollason as city manager. Martell claims that she didn't know about Noriega's whistle blower status, despite an email sent by Noriega's lawyer to the interim city manager, Bert Wrains, stating that Noriega's job was protected by whistle-blower laws. Martell insists that the chief was fired as part of an effort to take the department in a new direction.

In addition to Noriega, Martell also fired, internal affairs investigato, Sam Bejar and the lead police investigator, Tom Columbano, who called the cases involving Leon-Kreps and Watson "radioactive."

City Attorney Norman Powell said Noriega wasn't doing all of the duties of his position: namely, informing him of police incidents or investigations that may put the city at risk for liability. Documents filed in court Friday suggest that the chief had been informing the city manager of potential liabilities involving Watson and Leon-Kreps since 2017.

The complaint also states that Powell had tried to have Noriega fired in January for taking time off under the Family Medical Leave Act to help his elderly mother who had health issues.



Before heading the police department in North Bay Village, Carlos Noriega was the Miami Beach police chief. This is a photo of Noriega as Miami Beach police chief.

City of Miami Beach

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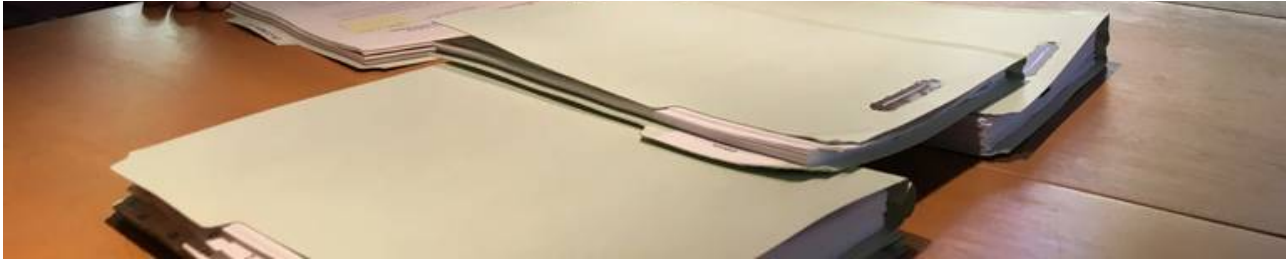
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In the final part of the complaint, Noriega claims as interim city manager Wrains contracted a data collection agency, Xact Data, to access city servers and make copies of all records, including potentially exempt police files pertaining to active investigations.

Columbano said in spring 2018 he started having trouble with his computer. "I believe that my computer and everything I did was being monitored," he said. Bejar said that he totally lost control of his computer as all of his files were seized remotely his last day on the job.

Powell said hiring a data collection company is common practice, and that the city hired Xact Data in order to preserve evidence likely to be subpoenaed in pending lawsuits.





Former North Bay Village city manager Frank Rollason pores over files of emails, ethics complaints and reports that he collected about Mayor Connie Leon-Kreps. Sarah Blaskey - sblaskey@miamiherald.com

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