

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

DR. ROBIN STARKS,

Plaintiff,

vs.

CITY OF MIAMI GARDENS, a Florida Municipal
Corporation, and POLICE CHIEF DELMA NOEL-
PRATT

Defendant.

CASE NO:

JUDGE:

VERIFIED COMPLAINT

Plaintiff **DR. ROBIN STARKS** (“**STARKS**”), by and through undersigned Counsel, sues the **CITY OF MIAMI GARDENS, FLORIDA** (“**CITY**”), a Florida Municipal Corporation and **POLICE CHIEF DELMA NOEL-PRATT** (“**NOEL-PRATT**”) in her individual capacity for damages, demands a jury trial, and states:

INTRODUCTION

DR. ROBIN STARK’S professional life as a police officer had always followed the path of righteousness, truthfulness, and integrity. However, she saw her law enforcement career and reputation destroyed after she came forward with information about malfeasance on the part of **CITY OF MIAMI GARDENS POLICE CHIEF DELMA NOEL-PRATT**. Chief **NOEL-PRATT** and the City retaliated against **STARKS** for reporting malfeasance in violation of the Florida Whistleblower statute. In addition, Chief **NOEL-PRATT** and the City breached their contract of employment with **STARKS** by terminating her without due process or just cause and violated her First Amendment Rights because she was vocal about a lack of training within the Department and of Chief **NOEL-PRATT’s** improper conduct. Chief **NOEL-PRATT** had a policy of limiting free speech and retaliating against those that exercised their Rights

under the First Amendment.

This lawsuit seeks to vindicate her rights as protected by Florida Statute 112.3187 because the Plaintiff was subjected to adverse action in retaliation for her whistleblowing and under the First Amendment because the Chief also retaliated against STARKS by punishing her for expressing her opinion. The Chief did so to the point of banning STARKS from speaking to public officials and attending public meetings in her capacity as a citizen as part of a paranoid policy to improperly insulate herself from any legitimate criticism.

NATURE OF ACTION AND JURISDICTION

1. **STARKS** brings this action seeking damages in excess of \$2,000,000.00 and other allowable relief as a result of being subjected to adverse personnel action by the **CITY** in punishing her for having the integrity to disclose Malfeasance by **CITY** officials, as well as her participation in investigations of **CITY**-involved misconduct as outlined in this Complaint.
2. Plaintiff is *sui juris*, a resident of Miami-Dade County, Florida, and an employee of the **CITY of MIAMI GARDENS, FLORIDA**.
3. The **CITY** is a municipal government entity organized under the Constitution and laws of Florida, and as such is an “agency” within the scope of Section 122.3187(3)(a), Florida Statutes.
4. **NOEL-PRATT** is a resident of Broward County, the Police Chief in the City of Miami Gardens and is otherwise *sui juris*.
5. Venue is proper in this judicial circuit because Defendant **CITY OF MIAMI GARDENS** is located within Miami-Dade County, Florida.
6. All conditions precedent to this cause of action have been met, waived, excused, occurred, or would be otherwise futile.

GENERAL ALLEGATIONS

7. At all material times to this action, **DR. STARKS** was a Police Major in charge of Operations in the

City of Miami Gardens Police Department.

8. This appointment followed over thirty-three years of a distinguished law enforcement career with the City of Miami and Miami Dade College, as Chief of Public Safety for the Kendall Campus.
9. DR. STARKS is one of the most respected leaders in the Miami Dade Police Community, having trained hundreds of officers at the police academy.

EXPLICIT PROTECTED ACTIVITIES

10. The Plaintiff participated in the following investigations which constituted protected activity under Chapter 112.387 because they both involved participation in investigations of misfeasance, malfeasance, and illegal conduct, and they constituted refusals to participate in adverse action and because they constituted written complaints of misfeasance, malfeasance, and misconduct.
11. Plaintiff STARKS protected activities includes the following:

THE FRAZIER INVESTIGATION

12. From April 2023 to June 27th, 2023, Plaintiff was assigned to conduct an investigation regarding a prominent and politically connected business owner, Sonia Frazier, the owner of Garden Soul Food.
13. On April 9, 2023, Ms. Sonia Frazier's daughter Jada Jefferson was involved in an accident where she sustained a broken left arm. Units arrived on the scene and completed the accident report but did not issue the person at fault the citation, nor was the camera from any of the neighboring businesses notified. From April 10 to April 21, 2023, Ms. Frazier tried to get copies of the accident report for insurance purposes, but the information was redacted. According to the state guideline she is allowed a copy of the unredacted document since the vehicle was registered to her. This information was confirmed by Kimberly McBean-Walker upon DR. STARKS return from vacation.
14. On Friday, April 21, 2023, a meeting was held with Ms. Frazier, Deputy Chiefs Ricky Carter,

Audrey Coney-Brown, and Captain James Hughes. Ms. Frazier was upset about how her case was handled and expressed concerns about a cover-up. She was also disappointed about how many attempts she made to get a copy of the accident report. After this meeting, Ms. Frazier was advised that she would have to wait for STARKS to return on Monday, April 24, 2023, to follow up on the investigations.

15. Frazier was politically connected and well known to members of the City Commission and Police Chief.
16. The investigation was high profile because of Frazier's political involvement and connections to public officials.
17. Fraizer's allegations of a cover up regarding the investigation into why no law enforcement actions in the form of citation were given when her daughter Jada's arm was broken in an accident was a topic at City Commission Meetings.
18. Consistent with her thirty year history of conducting investigations with honesty and integrity, the Plaintiff refused to be influenced politically.
19. The Chief directed that virtually every high-level Police Department official have some form of involvement in the investigation.
20. Plaintiff conducted the investigation into whether malfeasance and improper conduct was engaged in, which investigation is a protected activity under section 112.3187 Florida Statutes;
21. Plaintiff STARKS found the following malfeasance and misconduct which she reported verbally as part of the investigation and in writing to authorized local officials,
22. STARKS found the officer and field training officer should be replaced for not following proper procedures.
23. STARKS found that there were improper delays in providing public information to the family that

would have revealed improper conduct.

24. STARKS found that body cam video was improperly not disclosed.
25. On Tuesday, June 27, 2023, while meeting with Deputy Chief Brown, Audrey James, Captain Hughes, and Sergeant Brandon Davis, Deputy Chief Brown mentioned that the chief needed the memorandum on the completed investigation for the Accident of Sonia Frazier's daughter Jada Jefferson. STARKS advised Deputy Chief Brown that the documents were submitted on April 27, 2023, which consist of copies of all the accident reports, including the redacted copies, complete copies, and the videos for the officer's Body Worn Camera (BWC).
26. On June 22, 2023, STARKS spoke with Ms. Frazier, who stated she sent several emails to several people including Chief Delma NOEL-PRATT, and no one responded to her. She expressed the continued issues she was having with the lack of communication from those she sent the email to. She indicated she has made a number of requests for the Body Worn Camera for insurance purposes with no avail. This information was provided to Deputy Chief Brown.
27. STARKS that the video would help her with the insurance company to resolve her case and the concerns she was facing.
28. STARKS was fired on June 28th, 2023, almost immediately following her completion of her investigation and her reporting of malfeasance in connection with this investigation.
29. STARKS also, as a protected activity under Florida Statute 112.3187 refused to participate in improper adverse actions attempted to be imposed by Chief NOEL-PRATT that violated all proper regulations and guidelines.
30. Several Records of Formal Counseling and Disciplinary Action Reports came from the Professional Compliance Division. Plaintiff STARKS did not feel comfortable signing many of them because the violations were too excessive based on the incident. For example:
31. The panel review committee sustained Officer Xavier Robinson on an incident sent to the officer's captain to write the Disciplinary Action Report for a policy violation. This incident involved

another officer, who was not sustained or held responsible as part of the Chain of Custody. (Officer Carmelo Garcia.) Officer Robinson was charged twice for the same violation in one incident. STARKS was uncomfortable signing because of the double violation for one incident and did not find it necessary.

32. Officers Jeff Brutus, Mewzam Pratt, and Evette Richardson were being written up for a policy violation that she did not feel was deserving. Based on the audio and video, the officers did not know that an accident occurred. They were pursuing a vehicle but not the vehicle involved in the accident. STARKS accidentally approved Officer Richardson but noted the concerns and spoke with Captains Hughes and Quintana concerning the discrepancy. Both Officers Brutus and Pratts were denied. STARKS left for vacation, and both Captains and Deputy Chief Brown subsequently approved these reports.
33. Captain Rufus Williams and Sergeant Sean Horne were investigated by P.C.D., who found them in violation of departmental policy. Plaintiff STARKS had several conversations with Deputy Chief Brown that the charge of Abuse of Authority did not fit the violation and was too excessive. Neither of the sworn personnel had ever been written up and violated policies or procedures. She agreed there should have been some form of written discipline, but not a Disciplinary Action Report, and they should not have been charged with Abuse of Authority. Deputy Chief Brown got one of the violations changed for Captain Williams but not for Sergeant Horne. As the division's Major, she felt uncomfortable writing the D.A.R. since she disagreed with the charges and did not conduct the investigation. Subsequently, she completed the disciplines as ordered and issued them to the Captain and Sergeant.
34. On March 16, 2023, during a counseling session with Sergeant Gomez concerning the early warning list, Commander Schaefer was again advised of the vicarious liabilities on the department if we did not provide adequate training. Sergeant Gomez indicated his passion for ensuring his personnel were trained properly.

FIRST AMENDMENT VIOLATIONS

35. On May 17, 2023, the Chief demanded a meeting with all command staff. Present in the meeting with Deputy Chief Brown, Assistant Chief Nargisco, Major Simmons, Commander Schaefer, and STARKS. During this meeting, the Chief was very upset and stated that someone (insinuating someone in the room) was undermining her and setting themselves up with certain people. She then asked several times if anyone in the room could run the police department better than her. She then told Commander Schaefer to get ready, then dismissed everyone.
36. STARKS asked if anyone knew what was happening and if we needed to talk. No one said anything. The next day May 18, 2023, the Chief posted, "Been sleep for a minute, but I'm up now!" No one knew what was going on.
37. During the month year 2020, STARKS had just returned from vacation. A shooting had just taken place across the street from the police station. After that shooting, the Chief requested that Deputy Chief Brown and STARKS report to her office. When we arrived at her office, she stated that someone told her STARKS said something about her and the sergeant's list. STARKS was confused and stated whoever told her that was a liar and to bring them into her office. STARKS explained while working with the City of Miami for almost 27 years that she had never been a part of the rumors and gossip around the station, and to come to this smaller department to entertain this behavior is not in her character. The Chief was increasingly concerned about and desired to prohibit STARKS from voicing her opinion to anyone that was in any way critical of the Chief.
38. Chief NOEL-PRATT made it clear that she would not tolerate Plaintiff STARKS from making any comments critical of her, the department, training and/or go to any political events event on her own time in the City where Plaintiff STARKS lived. STARKS protested the Chief's abuse of her power to restrict Stark's Freedom of Association and Right to Free Speech.
39. Recently Officer Jordy Yanes was found guilty of trespass and battery. On the scene, Sgt. Arthur

King was also present. The documents were completed by Sgt: Curran and Captain Dillon for the Use of Force. During the deposition of statements, Sergeant Curran and Captain Dillon learned that the documents had been modified from what they originally wrote. It was later mentioned that Captain Noble, under the direction of the now Assistant Chief Nargisco, changed the verbiage of the documents.

40. STARKS also opposed the of following unethical activities:
- A. In 2021, Major Gary Smith, before his retirement, wrote up Captain Diane Hedrick for uttering and falsifying documents, which the Chief signed. She was never disciplined for her actions, only transferred to the Operations Division. There were also other allegations of her fabricating reports and changing supervisors' documents. Two officers were written up, and she added Cowardness to the report without the sergeant's approval. STARKS was able to have these documents removed from the officer's file, with assistance and guidance from Human Resources and the P.B.A. representative.
 - B. In 2020, Captain James Hughes was relieved of duty with pay when his lover took his personal vehicle, drove it to the police station, retrieved his gun, and gave it to one of the sergeants on the scene. Captain Hughes was able to return to work.
 - C. Commander Schaefer was found in violation of department policy for helping an officer cheat during an interview process. He was later placed in P.C.D. overseeing Internal Affairs.

41. Plaintiff STARKS opposed these unethical actions by Chief NOEL-PRATT.

PROTECTED FIRST AMENDMENT ACTIVITIES

42. STARKS was vocal at departmental meetings and forums about the lack of training and other deficiencies at the City of Miami Gardens Police Department.
43. Before the incident listed above and based on several other concerns involving the Probationary Officers and the department, a meeting was held on December 8, 2022. Included in this meeting were Deputy Chief Audrey Brown, Captain James Hughes, Commander Joseph Schaefer,

Sergeants Victor Velez and Brandum Davis, and Officers Shirley Jones Gray and Joseph Riviera. Chief Delma NOEL-PRATT walked into the meeting as we discussed the concerns involving the Field Training Program and the newly hired police recruits. Many discussions were held, including the importance of training to ensure all the officers receive the proper guidance. STARKS also indicated in this meeting and during the Command Staff meetings that the department can be held vicariously liable for not providing adequate training.

44. On May 8, 2023, the Chief scheduled a meeting to discuss the Field Training Program and the various concerns related to the lack of training the PPO was not getting and the various assignments conducted prior to starting the FTO Training.
45. During multiple meetings, STARKS mentioned the importance of training and how the department will be held vicariously liable for not providing adequate training. At no time was any of this information considered.
46. Chief Pratt retaliated against STARKS because STARKS exercised her First Amendment Rights to be critical of the Chief and the Department.

BREACH OF CONTRACT

47. On June 28th, 2023, Plaintiff STARKS was called into a meeting and advised to submit a resignation letter by the end of that day and to lie and agree that she wished to voluntarily leave the department.
48. STARKS received no notice, no due process and to this date was never given any reason for her termination;
49. The employee handbook and her agreement when she began work at the City at their request and fundamental requirements of due process required that STARKS be given reasonable notice,
50. The Plaintiff had an agreement to work as a Police Major for the City which encompassed Rights to Notice and Due Process in terms of any form of adverse action.

51. The City Breached this Agreement and as a result the Plaintiff was damaged.

COUNT I
VIOLATION OF SECTION 112.3187 FLORIDA STATUTES
(Against Defendant CITY OF MIAMI GARDENS)

52. Plaintiff hereby incorporates paragraphs 1 through 51 as if fully set forth herein.

53. The CITY is an agency, a term defined by Section 12.3187(3)(a) Florida Statutes.

54. STARKS was at all times material an employee as that term is defined by Section 112.3187(3)(b) Florida Statutes.

55. The CITY took adverse personnel action against STARKS as that term is defined by Section 112.3187(3)(c) Florida Statutes.

56. The action taken against STARKS included termination.

57. The actions taken by the CITY were prohibited under Section 112.3187(4) Florida Statutes.

58. The prohibitive actions were taken because STARKS disclosed information, as defined by Sections 112.3187(5)(a) and (b) Florida Statutes.

59. Plaintiff STARKS disclosed acts and suspected acts of gross management, malfeasance, misfeasance, and gross waste of public funds committed by employees and agents of the CITY.

60. STARKS participated in investigations and other inquiries conducted by agencies of the local, state, and federal government as defined in Section 112.3187(7) Florida Statutes.

61. STARKS filed written and signed complaints disclosing information enumerated in Section 112.3187(5) Florida Statutes to parties and entities enumerated in Section 112.3187(6) Florida Statutes.

62. Plaintiff refused to participate in adverse actions prohibited by Section 112.3187 Florida Statutes.

63. Plaintiff refused to participate in unethical, illegal, and inappropriate violations of Federal, State, and local laws, rules, regulations, and policies, and disclosed to CITY officials and officers such violations and misrepresentations to CITY and state officials.

WHEREFORE, for these reasons, Plaintiff **ROBIN STARKS** requests immediate reinstatement to her position, with full pay, including back pay and front pay, benefits, compensation, seniority rights, and any lost income, as well as compensatory damages, and all other relief deemed appropriate. Plaintiff STARKS also seeks immediate payment of her attorneys' fees and costs.

COUNT II
BREACH OF CONTRACT

64. Plaintiff re-alleges paragraphs 1 through 51 as if fully set forth herein.
65. Plaintiff's employment agreement with the City is based upon the employee handbook and required that she receive a minimum due process prior to being terminated.
66. The City Breached her employment contract.
67. As a direct and proximate result, Plaintiff has suffered permanent damages.

WHEREFORE, Plaintiff **DR. ROBIN STARKS** demands judgment for damages against the city, including but not limited to compensatory damages, back pay and benefits, future pay and benefits, liquidated damages, punitive damages, prejudgment interest, and attorney's fees and costs, and other available relief as the Court deems just and proper.

COUNT III
RETALIATION IN VIOLATION OF THE FIRST AMENDMENT (AGAINST CITY AND CHIEF PRATT-NOEL)

68. Plaintiff incorporates paragraphs 1 to 51 as if fully set forth herein.
69. The First Amendment to the United States Constitution provides: "*Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*"
70. The First Amendment rights to freedom of speech and association protect not only the affirmative

rights to free speech and association but also the right to be free from retaliation perpetrated by the government upon the exercise of that right.

71. 42 U.S.C. § 1983 provides a private cause of action with respect to the violation of federal constitutional rights.
72. The Act provides, in pertinent part, as follows: *“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.”*
73. The aim of Section 1983 is to deter state actors from using the badge of their authority to deprive individuals of their federally guaranteed rights and to provide relief to victims if such deterrence fails.
74. The First Amendment to the United States Constitution applies to local and state governments through the Fourteenth Amendment, as well as through decisions of the United States Supreme Court.
75. At all times pertinent hereto, it was clearly established federal law that STARKS had a right to freedom of speech guaranteed by the First Amendment to the United States Constitution.
76. This right encompasses the right of all workers, both in public and private sectors, to discuss, make statements regarding, and express opinions on matters of public policy, including “issues about which information is needed or appropriate to enable the members of society to make informed decisions about the operation of their government.”
77. At all times pertinent hereto, it was clearly established federal law that STARKS had a right to be free from government retaliation taken against her for speech that touched matters of public

concern.

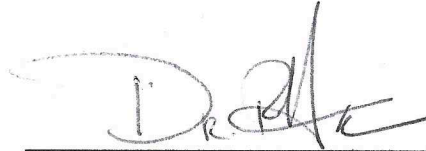
78. This right to be free of retaliation includes the right to be free from adverse employment action substantially motivated by protected speech.
79. At all times pertinent hereto, it was clearly established federal law that the United States Constitution's First Amendment guarantee to free speech and free association applied to local and state governments through the Fourteenth Amendment and decisions of the United States Supreme Court.
80. At all times pertinent hereto, it was clearly established federal law that the public's interest in exposing governmental corruption and/or abuse of power far outweighs a governmental entities' interest in suppressing speech intended to expose governmental corruption and abuse of power.
81. At all times pertinent hereto, the City and Chief NOEL-PRATT knew, or should have known, of the aforementioned constitutional rights clearly established under federal law.
82. As a direct and proximate result, Plaintiff has suffered permanent damages.

WHEREFORE, Plaintiff **DR. ROBIN STARKS** Demands judgment for damages against the city, including but not limited to compensatory damages, back pay and benefits, future pay and benefits, liquidated damages, punitive damages, prejudgment interest, and attorney's fees and costs, and other available relief as the Court deems just and proper.

VERIFICATION

I declare under penalty of perjury under the laws of the State of Florida and the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 11th day of September 2023.



DR. ROBIN STARKS

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury for all issues so triable as a matter of law.

DATED: September 11, 2023

Respectfully submitted,

MICHAEL A. PIZZI, JR., ESQ.
Attorney for DR. ROBIN R. STARKS
Florida Bar No. 079545
6625 Miami Lakes Drive, Suite 316
Miami Lakes, Florida 33014
Phone: (786) 594-3948
Fax: (305) 777-3802
E-mail: mpizzi@pizzilaw.com

By: S/ Michael A. Pizzi, Jr.
MICHAEL A. PIZZI, JR., ESQ.

STEPHAN LOPEZ LAW FIRM, LLC.,
Co-Counsel for DR. ROBIN R. STARKS
Florida Bar No. 079545
14875 NW 77th Avenue, Suite 206
Miami Lakes, FL 33014
Phone: (305) 792-8221
Fax: (754) 551-5400
E-Mail: stephan@stephanlopezlawfirm.com
E-Service: e-service@crimlegal.com

By: S/ Stephan Lopez

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been filed via the Miami Dade Clerk of Court's e-portal on the date of the electronic submission and a copy of the complaint will be personally served with the date of service indicated on the return of service of the summons.

By: S/ Michael A. Pizzi, Jr.