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CELEBRATING A MIAMI-DADE LEADER

Friends and elected officials join the family of Merrett Stierheim, bottom right, to celebrate his life on Wednesday at Zoo Miami, one of the projects that he helped to create as a manager of Miami-Dade County's government. Ron Magill, Zoo Miami's communication director, is at top left with Judith Canon Stierheim, who was married to Stierheim for 41 years. Above, Judith Canon Stierheim speaks. In a career that started with an internship at Miami City Hall in 1959, Stierheim completed a remarkable circuit through the top ranks of local government. He died in July at age 90.



JEFFREY BOAN Miami Herald | 2001

Judge sides with Doral in nightclub lawsuit, saying city's 1:30 a.m. last call is legal

BY VERÓNICA EGUI BRITO
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Just days before a new ordinance was set to take effect regulating alcohol sales and consumption hours in Doral following a mass shooting at a bar in CityPlace, a judge dismissed a lawsuit filed by one of the nightclubs that would be affected by the measure.

Judge Spencer Eig on Friday dismissed the case brought by MB Direct LLC, owner of Martini Bar, against the city of Doral. The lawsuit followed the City Council's June 12 approval of new security measures, including mandating earlier closing times for bars, aimed at enhancing safety at nightlife establishments.

The new regulations, sponsored by Councilwoman Maureen Porras, were passed two months after the April shooting left two people dead and seven injured at Martini Bar. The law, which is set to go into effect on Tuesday, Oct. 1, establishes a last call at 1:30 a.m. and closing time at 2 a.m., with the option for businesses to request a special permit to stay open later. Previously, establish-

ments in the city had been allowed to sell alcohol until 3:50 a.m. and stay open until 4 a.m.

In a last-minute change during the second and final vote on the ordinance, the council — at the request of Councilman Rafael Pineyro — shortened the hours even for venues with an extended-hours permit, moving the closing time from 4 a.m. to 3:30 a.m. and last call from 3:30 a.m. to 2:30 a.m.

On July 8, Greenspoon Marder, the legal firm representing Martini Bar, filed the lawsuit against Doral. The legal complaint argued the enactment of the ordinance was arbitrary and unreasonable. Additionally, Martini Bar sought protection from enforcement, alleging the City Council's decision to modify alcohol sale hours during deliberations at the second vote required the city to reopen a window for the public to give remarks, which it did not do.

However, Eig ruled that municipalities are within their rights to regulate alcohol sales and operating hours through ordinances and that the council had fulfilled its legal obligations by providing proper notice of the ordi-



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Jeanina, standing at center, and George Castellanos Sr., standing at right, the parents of George Castellanos Jr., arrive at a Doral City Council meeting on May 8. Castellanos Jr. was a security guard who was killed in a shooting at CityPlace .Doral's Martini Bar

nance.

City Attorney Raul Gastesi, from the city's legal firm Gastesi, Lopez and Mestre, told el Nuevo Herald that over 75 years of Florida legal precedent contradicted Martini Bar's claims. He clarified that "grandfathering" applies to zoning and property use, not alcohol sales or hours of operation.

"The primary responsibility of government is ensuring public safety," Gastesi added, emphasizing

that cities have the authority to make decisions regarding the regulation of establishments for the well-being of the community.

Councilwoman Porras reacted to the lawsuit's dismissal, telling el Nuevo Herald, "I am happy with the results and look forward to continuing to work with businesses and residents to ensure we have a safe and healthy community."

Louis Terminello, co-

owner of Martini Bar and chair of Greenspoon Marder's hospitality-law practice, told el Nuevo Herald that they plan to appeal.

"While we respect the circuit court judge's order, we will be appealing that erroneous decision to the district court of appeal," he said.

The city attorney responded that he is confident the appellate ruling will favor the city.

At least three lawsuits related to security remain

pending against Martini Bar from the survivors, including the two police officers who were present during the April 6 mass shooting.

Extended hours

At least seven venues, including Martini Bar, have applied for extended-hours permits as the new regulations are set to take effect on Tuesday, Oct. 1.

Under the ordinance, venues without extended-hours permits can stay open until 2 a.m. without being required to implement enhanced safety measures such as installing cameras and weapons-detection systems, increasing security personnel or hiring off-duty police officers.

Bars and clubs with the special permits will only be allowed to operate one hour later than those without the permits. Those establishments will also need to create a customized security plan that is subject to approval by the police chief and includes the mandated safety measures and taking into account factors such as the venue's capacity and any prior incidents of violence.

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Bank calls cops on Black dad trying to cash check to buy school supplies, suit says

BY JULIA MARNIN
The Charlotte Observer

A bank manager called the police on a father of four who was trying to cash a check to buy school supplies for his children — after employees locked the doors upon seeing him, according to a lawsuit.

It was the man's third attempt to cash the \$1,500 check issued by his employer at an Amerant Bank branch in Delray Beach on Aug. 9, 2022, a complaint says.

While waiting outside the bank, the man, who is Black, thought the employees might have locked the doors as part of a COVID-19 protocol, but he noticed customers were inside, according to the complaint filed last month in Orange County Circuit Court.

He later learned the bank's manager dialed 911, referring to him as "six feet tall with dreadlocks and wearing a black hoodie," repeatedly described him as Black, and accused him of having a fraudulent check, the complaint says.

The manager also mentioned an arrest record and "possible weapon" while speaking with dispatchers, according to the complaint.

"The manager's unnecessary, negligent, and reckless call to the police and her word choice placed (him) in great harm," the

complaint says.

Delray Beach police officers arrived within minutes and ordered the man to put his hands up, according to the complaint.

He listened and "was frisked, questioned, and feared for his life," according to the complaint.

Officers then concluded he posed no threat and that his check was real, the complaint says. They walked him inside the bank and the manager cashed his check, according to the complaint.

The 37-year-old father is suing Amerant Bank, accusing the business of discriminating against him by denying him service and calling the police.

McClatchy News is not identifying him to protect the identity of his children.

The case, which is represented by attorney Natalie Jackson, the co-director of litigation for Ben Crump Law, PLLC, was transferred to federal court in Orlando on Sept. 16, court records show.

Ted White, the Delray Beach Police Department's public information officer, confirmed to McClatchy News on Sept. 24 that officers "responded to the (911) call and spoke with both parties" on Aug. 9, 2022.

"The bank manager was able to call the issuer of the check and confirmed that the check was not fraudulent," White said.

An Amerant Bank spokesperson told McClatchy News on Sept. 24 that the "handling of (the man's) transaction was consistent with established procedures aimed at protecting the Bank and its customers from potential check fraud."

The company "categorically denies any aspect of its handling of this transaction was based on race," the spokesperson said.

According to the lawsuit, the man was turned away from Amerant Bank in Delray Beach during his first visit on Aug. 5, 2022, when a bank teller told him to return the following Monday because "the only manager who could cash his check was not present."

The next Monday, on Aug. 8, 2022, the bank's employees locked the doors as he returned at 3:30 p.m. and told him it was closed, the complaint says.

The man, described as "anxious to cash his check" to buy school supplies, took a half day off work on Aug. 9, 2022, to visit Amerant Bank earlier, according to the complaint.

That's when the doors were locked again and police were called, the complaint says.

The Amerant Bank spokesperson told McClatchy News that the man was told to revisit the bank during his first visit because his check "was of

a different check stock to that customarily used by Amerant's customer, the issuer of the check."

He "was asked to return to the bank pending verification with the issuer of the check," the spokesperson said.

Amerant Bank denied that he visited the bank during typical business hours on his second visit and said video footage

shows he tried to enter at 4:34 p.m.

In regards to his third visit, the spokesperson said "Check stock that is inconsistent with that customarily used by a client is highly indicative of the commission of check fraud, and because the branch was unable to still confirm with issuer of the check, at that time on August 9, 2022, the police were

called."

Alongside racial discrimination, the man accuses Amerant Bank, which is headquartered in Coral Gables, of intentional infliction of emotional distress and negligence.

He's seeking an unspecified amount in damages and demands a jury trial.

NOTICE OF CONTINUATION

The Tentative/Final Budget
Hearing held on
September 17, 2024
for the City of Doral was
recessed and will be continued on
Monday, September 30, 2024
5:30 PM
at
City of Doral Council Chambers
8401 N.W. 53rd Terrace, Doral,
Florida 33166