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Miami-Dade County Commission on Ethics and Public Trust

Memo

To: Mike Murawski, independent ethics advocate
From: Karl Ross, ethics investigator
Date: Sept. 8, 2008
Re: K08-092 Commissioner Edmonson Staff

Recommended close-out: In response to the Aug. 25, 2008, e-mail from District 3 County Commission Candidate Valerie Screen, a preliminary investigation was conducted to see whether employees of incumbent Commissioner Audrey Edmonson had taken personal leave during the time of their alleged activity on behalf of Edmonson's re-election campaign. Specifically cited as having campaigned on behalf of the commissioner were Gerard Phillipeaux and Kavin Davis – both of whom work out of the commissioner's district office. The initial inquiry also sought to determine whether either of the aforementioned individuals were paid in connection with the campaign as this would have constituted outside employment.

A review of Commissioner Edmonson's campaign treasurer's reporters (CTRs) did not show any expenditures or payments to Phillipeaux or Davis during the 2008 election cycle. Edmonson was re-elected by a 3-1 vote margin on August 26.

Mr. Phillipeaux was contacted by COE on September 2 to discuss the matter, and he advised that both he and Mr. Davis spent time working on Commissioner Edmonson's re-election campaign as volunteers. He further advised that all time spent working on the campaign was covered by annual or other legitimate leave time, and that related leave slips could be obtained through Ms. Marie Russell of the commissioner's staff. Ms. Russell was contacted that same day, and she advised that both Phillipeaux and Davis submitted leave slips during the campaign period. She was asked to provide copies of said leave slips.

On September 8, copies of the leave slips were provided by Commissioner Edmonson's office as requested. They showed that between July 15 and August 26, Mr. Phillipaux took a total of 101 hours of leave time – 89 hours of annual leave and 12 hours of administrative leave. They showed that between July 18 and August 26, Mr. Davis took 105 hours of leave – all of it annual leave. Records show both employees took 16 hours of annual leave for August 25 and August 26, the day before the election and Election Day itself. Both individuals also took several days leave, or more, in the week preceding the election. Mr. Phillipaux was on leave the entire week prior to the election – from August 18 to August 22. Mr. Davis was on leave for three days during that week – from August 20 to August 22.

Given that no specific allegations were made about the times, dates or places of any unauthorized campaign activity and given the existence of leave slips documenting significant blocks of time used by the individuals in question, there does not seem to be probable cause to pursue this matter further. Ms. Screen herself noted that she did not file a formal complaint because she was unaware as to whether the individuals had taken leave to work on the commissioner's campaign.