

OFFICE OF THE INDEPENDENT ADVOCATE
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
REPORT OF INVESTIGATION

K #: 09-063 Daisy Black, Councilwoman EI Portal

Date Opened: June 5, 2009

Date Closed: June 17, 2009

Name of investigator: Arthur D. Skinner and Christina Seymour
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Allegation:

This investigation was predicated upon the receipt of information that had exploited her official position by demanding the immediate production of public records from the Town Manager Jason Walker.

Section 2-11.1 of the Code of Miami-Dade County, the County's Conflict of Interest and Code of Ethics Ordinance. (7) (g) *Exploitation of official position prohibited.* No person included in the terms defined in Subsections (b)(1) through (6) shall use or attempt to use his official position to secure special privileges or exemptions for himself 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.

Investigation:

On Wednesday, June 10, 2009, Investigators from the Miami-Dade County Ethics Commission (COE), interviewed the Village Manager of EI Portal, Mr. Jason Walker. The purpose of the was to discuss Commissioner Daisy Black's request for all travel records for the Commissioners of the Village of EI Portal.

The following are statements which were made to the COE by the Village Manager of EI Portal, Mr. Jason Walker:

Councilwoman Daisy Black requested for the Village of El Portal to pay for her to attend the Democratic Black Caucus of America in Gainesville, FL to be held the last weekend of May 2009.

Village Manager Jason Walker denied Councilwoman Black's request, as the travel expense to be incurred was not for official Village business, given the meeting was for a Democratic Party gathering.

The Village Manager explained to the COE that the Village Council members do not have a travel allowance, but do have a \$1,000 discretionary funds allowance. These funds are not automatically given to the Council members; rather the Council member must make a request of the Village Manager, stating the expenditures relationship to official Village business, and then the discretionary funds are provided to the Council member.

When the Village Manager denied Councilwoman Black's travel payment request for travel to the Democratic Black Caucus of America, Councilwoman Black requested to have all travel payment records from the Village that were paid to each El Portal Council member. The Councilwoman also wanted the purpose of the travel expenditure provided to her and specifically asked for the Village Manager's travel purposes to be included in the spreadsheet.

In order to prepare the spreadsheet of travel expenditures for Councilwoman Black, the Village Manager requested for the Village accountant, Mr. Irwin Williams, who works on a retainer and on a part-time basis, to come in on Monday, May 18, 2009, and prepare the travel information for each Village official, including the Village Manager.

The Village Manager stated that he does not have access to the online financial records of the Village in order to have a proper segregation of duties. Therefore, Mr. Irwin Williams had to be called in to the Village on a day that Mr. Williams was not scheduled to work to access to the Village's online financial records in order to accommodate Councilwoman Black's request.

On May 18, 2009, the Village Manager provided Councilwoman Black with a spreadsheet that listed all travel expenditures paid by the Village to each Council member as well as the Village Mayor and Village Manager. This spreadsheet also indicated the purpose for each travel expenditure paid for by the Village of El Portal.

On this same date, May 18, 2009, Councilwoman Black spoke with COE Staff Attorney, Victoria Frigo, who in turn sent the Councilwoman an email entitled, "Use of Expense Account (INQ 09-76)."

The email to Councilwoman Black is attached hereto and concluded that Councilwoman Black could not use Village funds for this specific travel request, based on Section 2.06 of the Village Code regarding reimbursement for expenses. This section states specifically the following:

"Councilpersons shall receive reimbursement in accordance with applicable law, or as may be otherwise provided by ordinance, *for authorized travel and per diem expenses incurred in the performance of their official duties.*

The Village Manager stated that since this date, May 18, 2009, he has not received any further requests or had any discussions on this matter with Councilwoman Daisy Black. As far as the Village Manager is concerned, this matter has been resolved and he wants no further action.

CONCLUSION:

Councilwoman may have violated the Section 2-11.1 of the Code of Miami-Dade County, the County's Conflict of Interest and Code of Ethics Ordinance. (7) (g) *Exploitation of official position prohibited.* Prosecution of the matter was declined by the advocate.