

OFFICE OF THE INDEPENDENT ADVOCATE
REPORT OF INVESTIGATION

K 10-003

Date Opened: 01/21/2010

Date Closed: 02/01/2010

Investigators: Breno Penichet and Art Skinner

Allegation:

This Investigation is predicated on information received in the form of a formal complaint alleging that Kevin Burns, former Mayor of the City of North Miami, (2005 to 2009) violated the two (2) year rule by meeting with City of North Miami staff; on behave of a business owner that had received a Code enforcement citation for building without permits.

Continuing application for two (2) years after County service: Section 2-11.1 (q) (1) Miami-Dade County, Conflict of Interest and Code of Ethics Ordinance.

Investigation:

On 1/25/2010 COE Investigator B. Penichet interviewed Mr. David Leven regarding the formal complaint he filed concerning the contact made by ex mayor Kevin Burns and the staff at the City of North Miami in violation of the two (2) year rule. According to Leven he was told by the New Mayor Andre Peirre, that Burns came to City Hall and met with Mark Collins assistant City Manager and Public works Director, Clarence Patterson City Manager, and Lynn Whitfield City Attorney. The meeting took place in order to solve a Code Enforcement problem that came to light when the

building official conducted an onsite inspection of the construction taking place at Spot Master Cleaners 12450 NE 13th Avenue North Miami Fl.

COE Investigator Penichet contacted the North Miami City Attorney Lynn Whitfield, 776 N. E. 125 St. North Miami Fl 33161, regarding the Burns complaint. Whitfield advised that she was notified of the incident by Mr. Mark Collins Deputy City Manager/ Public Works Director. Collins advised that he was contacted by Burns and the contractor for Spot Master regarding the illegal tap into the City's sewer system. Whitfield advised that it was discussed at that time that Burns was acting as an advocate on behalf of the owner of Spot Master Mr. Pete Taylor, who Burns had originally brought to the City in an effort to increase the business base. According to Whitfield when she brought the subject to the City Manager, at which time it was decided that Burns would be notified of his Violation of the two (2) year rule and advised to stay away from all staff. (See attached letters).

COE Investigators A. Skinner and B. Penichet contacted Mark Collins regarding the above allegations. Collins advised that he met 3 times with Kevin Burns and the contractor Mr. Joe Alvarez who was doing the work at Spot Master for Mr. Pete Taylor, regarding the illegal tapping into the City sewer pipe w/o permits. Collins advised that the ex-mayor appeared to be trying to help Taylor but was very aggressive and was trying to have fees waived and was also attempting to rush the permitting process. Collins was asked if he felt Burns was lobbying, and advised no, but certainly was more involved than just a concerned citizen and was deafeningly acting as an advocate. Collins also advised that Kevin Burns also became involved in the matter involving a water meter on the property. Collins further stated that once the letter was sent to Burns no other contact was made. Collins advised that he discussed the matter with Clarence

Patterson the City manager and it was agreed that no further contact with any other City staff would be permitted.

COE Investigators A. Skinner and B. Penichet contacted Mr. Clarence Patterson in his new position as the City Manager with the City of Opa-Locka 780 Fisherman St. 4th Floor, Opa-Locka FL 33054. Patterson advised that he was the City manager for North Miami when the incident took place. Patterson verified that Collins did talk to him about the meeting he (Collins) had with Burns and the representatives of Spot masters. Patterson also verified that he sent the letter advising Burns of the two (2) year rule and the fact that he (Burns) was not allowed to represent anyone during that time frame. Patterson also advised that Burns attempted to negotiate a fee reduction for the meter issue with Patterson and was denied. Patterson advised that he felt Burns was Lobbying, although Burns denied getting paid for his efforts. Patterson discussed matter with City Attorney and the general consensus was that Burns behavior was improper.

COE Investigators A. Skinner and B. Penichet contacted Kevin Burns former mayor of North Miami (305) 710-3306 regarding the allegations that he violated the two (2) year rule. Burns advised he was contacted by Mr. Pete Taylor who is a business owner in the City, and advised that he was cited for illegally tapping into a City sewer main without permits. Burns advised that he decided to help Taylor due to the fact that he was responsible in bringing his business into the City and that he (Burns) was very well aware how frustrating the permitting system can become. Burns stated that while he was Mayor he spend a great deal of his time dealing with complaints regarding the Building and Zoning departments, and he wanted to make sure Taylor did not have those types of problems so he would not take his business out of the City. Burns admitted to meeting with Collins and several others in the City including the City engineer, Zoning official and Code Inspector. Burns stated that once he received the

letter from the City manager he did not have any further contact with staff; he also insisted that he never got paid for his service; he did it as a concerned citizen. Burns advised that he checked with unidentified Attorneys that assured him he was acting within his rights and not in violation.

Burns also alleged that the illegal work was performed by City employees after hours that he brought this fact to the attention of the City administration and they advised an investigation would be conducted.

EXHIBITS:

- A. Memo from City Attorney to City Manger, Dated August 11, 2009 RE: Alleged violations of Code of Ethics.
- B. E-Mail from City Manager to all Staff
- C. Letter to Kevin Burns
- D. Letter from City Attorney containing E-Mails from City employee's reference meetings with K. Burns.

CONCLUSION:

This report is forwarded to the Advocate for review.