



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Karl Ross

Case K10-134	Case Name: TPOE	<u>Date Open:</u>	<u>Date Closed:</u>
Complainant(s):	Subject(s): Former Vice Mayor/Comm. Dorothy "Dottie" Johnson	Sept. 14, 2010	Nov. 13, 2013

Allegation(s):

The investigation was predicated on information that former Opa-locka Vice Mayor Dorothy "Dottie" Johnson, now a city commissioner, was involved in an improper and conflictive relationship with the city's landlord at that time, Dennis Stackhouse.

It had been alleged that a non-profit agency operated by Comm. Johnson – The Portrait of Empowerment Inc. (hereinafter "TPOE") – was not making regular monthly rental payments to Stackhouse and related entities controlling the office building at 780 Fisherman Street, where TPOE rents an 1,800 s.f. office and, until recently, the city leased space for its City Hall.

Relevant Ordinances:

Sec. 2-11.1(d) of Miami-Dade County Code known as the Conflict of Interest and Code of Ethics Ordinance as it relates to voting conflicts for elected officials, which states in applicable part that no such person should vote on an item "if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the [city commission] ... debtor, or creditor, if in any instance the transaction or matter would affect the [elected official] in a manner distinct from the manner in which it would affect the public generally."

Sec. 2-11.1(e)(4) of Miami-Dade County Code known as the Conflict of Interest and Code of Ethics Ordinance as it relates to disclosing gifts by elected and other officials, which states in applicable part that any such person "shall disclose as provided herein any gifts from any one person or entity, having a value in excess of one hundred (\$100).

Sec. 2-11.1(n) of Miami-Dade County Code known as the Conflict of Interest and Code of Ethics Ordinance as it relates to actions prohibited when financial interests involved, which states in applicable part that no such person “shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest ...”

Investigation:

Interviews

A lengthy report of investigation was completed on Nov. 9, 2012, detailing the actions of then Vice Mayor Johnson as they related to TPOE’s landlord, Stackhouse/ JWV Florida Properties (hereinafter, “the landlord”). A copy of said report will be attached to this memo.

Since the completion of this report, two additional interviews were conducted. On March 6, 2013, former TPOE board member and legal advisor, Christopher Benjamin, was interviewed at the offices of COE. And on June 18, 2013, a statement was taken from the subject of the investigation, now Comm. Johnson, who was accompanied by attorney Ben Kuehne. These interviews are detailed in a separate investigative notes memorandum, also attached.

Further delays ensued as a result of unsuccessful attempts to gather relevant information from the landlord of 780 Fisherman Street. The city has since moved out of the building and Stackhouse is no longer the City’s landlord.

Document/Audio/Video Review:

Additional materials were provided by Comm. Johnson on or about Oct. 8, 2013. Those materials have been reviewed and added to the file. Numerous sources of documentary evidence were reviewed throughout the course of this investigation. They included bank records for TPOE; internal minutes of board meetings for TPOE; TPOE’s funding and grant applications; Opa-locka City Commission agendas and meeting minutes; copies of lease agreements; audio recordings of select city commission meetings.

In addition, a financial analysis was conducted showing that TPOE failed to pay rent on 31 of 51 occasions between 2008 and 2012, totaling \$84,475 (including late fees).

Conclusion(s):

The findings detailed in the Nov. 9, 2012, report of investigation are attached as a supplement. Comm. Johnson's financial entanglements with TPOE, then as now, raise questions about her participation in matters affecting the city's relationship with the landlord. Comm. Johnson did have a financial stake in TPOE, as TPOE was her employer and also a debtor. As of the most recently available minutes from TPOE, the agency owed her more than \$20,000 in loans.

The investigation found that grant monies could only be used for \$48,000 of the \$70,000 salary owed to Comm. Johnson annually by TPOE. Therefore private fundraising had to be used to pay for the balance of her salary. Comm. Johnson and her attorney claimed that private sources also had to be used to fund TPOE's rental payments since grant funding was largely restricted to programmatic expenses. As a result, TPOE's board and executives had to decide whether to direct this private funding to pay the rent or to cover Comm. Johnson's salary.

As president and CEO of TPOE, Comm. Johnson exercised control over the agency's day-to-day operations, including decisions about how agency funds should be spent. However, the issues concerning the past-due rent were presented to the board of TPOE.

These findings were brought to the attention of the Miami-Dade County State Attorney's Office, and after review a decision was made to decline prosecution. Despite the seemingly irregular situation and unpaid rent, there was no direct evidence Comm. Johnson engaged in any quid pro quo arrangement with Stackhouse to secure favorable treatment.

The failure to respond to CEO and SAO subpoenas to the landlord for information regarding the treatment of any other tenants with past-due rent further stalled the investigation. Denis Stackhouse, the owner's representative for 780 Fisherman Street, refused to provide requested information after his attorney, Larry Handfield, initially assured COE that records would be forthcoming, but failed to provide them. Stackhouse is facing pending criminal charges.

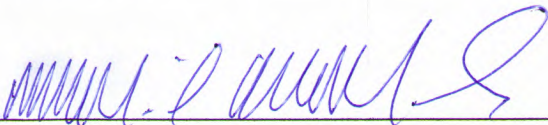
As a result, the three-year statute of limitations on prosecuting county ethics violations has elapsed for any alleged voting conflicts that Comm. Johnson may have engaged in. Given the above circumstances and the fact that the city no longer rents office space at 780 Fisherman Street, it has been decided that the case should be closed at this time.

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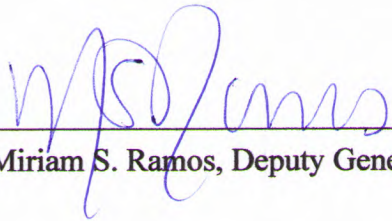
Karl Ross, COE Investigator

Comm. Dorothy "Dottie" Johnson/ TPOE
K10-134 Close-out Memo

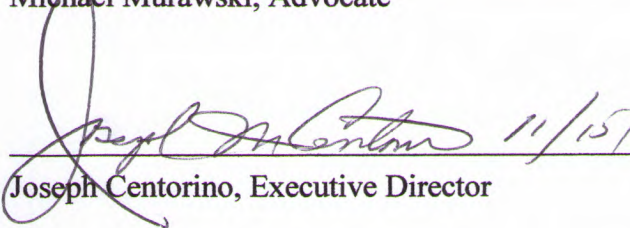
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