

# COMMISSION ON ETHICS & PUBLIC TRUST



## REPORT OF INVESTIGATION

K #: 11-101

Date Opened: July 18, 2011

Date Closed: February 7, 2012

Name of investigators: Breno Penichet and Kennedy Rosario

---

### **Allegation:**

This investigation was predicated upon a request received from Executive Director Robert Meyers to follow up on an allegation made by an employee of the Miami-Dade County Commission Auditor's Office. Ines Beecher (Beecher) alleged that she was terminated from her position with the Commission Auditor's Office by Charles Anderson (Anderson) because she complained that auditor Horace Nwachukwu (Nwachukwu) was conducting outside employment during working hours.

### **Investigation:**

According to the information provided by Beecher, sometime in July of 2010, she became aware of information supplied by other employees that Nwachukwu may have been conducting outside employment work while on County time.

According to Beecher she met with the Anderson and with Audit Manager Gary Collins (Collins), who was Nwachukwu's direct supervisor, and reported the incident.

COE investigators contacted Anderson and after advising him of the allegations, Anderson stated that he became aware of the complaint when Beecher and Collins brought it to his attention. Anderson advised that he requested an administrative investigation be conducted to determine all the facts. Anderson advised that once the administrative investigation was concluded, it was determined that Nwachukwu was a principal in a vehicle repossession business in Georgia and as such he should make a Request for Outside employment authorization.

Anderson further stated that a memo of counseling dated October 13, 2010, was issued to Nwachukwu by his supervisor. The memo addressed the issues of outside employment and the, "perception by some co-workers of engaging in outside employment during county time." The memo advised Nwachukwu that he should have requested authorization for outside employment.

Nwachukwu submitted a response memo in which he explained the reasons why he did not obtain permission to engage in outside employment and why it may have appeared that he was conducting business on County time. Nwachukwu explained that he purchased several vehicles for his immediate family and was contacting various shipping brokers who only work during the normal business hours because he had to ship the vehicles overseas. Nwachukwu further advised that his brother owns a used car business in Atlanta, GA and he appears as an officer of the corporation. However, Nwachukwu stated he has never derived any proceeds from the business which is why he did not feel the need to apply for outside employment authorization. Nwachukwu admitted that he purchased four (4) vehicles to be shipped to Nigeria. These vehicles were purchased for his family for their own personal use due to the fact that vehicles in that region of the world are very expensive. Nwachukwu further stated that he had to speak with freight shippers during the day in order to have the vehicles shipped, but he stated that he did not use any County equipment at any time and he spoke on his cell phone during his lunch or breaks. Nwachukwu advised that he is an at will employee

and often works many hours over his normal day particular during budget time and thus, has a flexible schedule.

Anderson advised that removing Beecher from her post was strictly an administrative decision due to budget cuts and that it had nothing to do with the complaint she made about Nwachukwu. COE investigators were not able to find any evidence to the contrary. Anderson was requested by COE investigators to provide the lap top computer used by Nwachukwu in order to have it analyzed by Miami-Dade Enterprise Technology Services Department (ETSD).

COE investigators met with Angel Petisco (Petisco), Director of ETSD and Lars Schmekel (Schmekel), Chief Security Officer ETSD.

Schmekel was provided with the necessary background information in order to start a forensic analysis of the lap top computer unit provided. The analysis was to determine if Nwachukwu was conducting personal business during working hours. The results of the computer analysis did not produce any unusual activity or evidence that Nwachuku was engaged in outside employment using his County-issued lap top.

**Conclusion:**

Advocate Michael Murawski advised that no further action would be taken since there is no evidence of a violation of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. Accordingly, the above-referenced case is closed without further action.