

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



REPORT OF INVESTIGATION

K #: 11-047

Date Opened: 3/24/11

Date Closed: 6/6/11

Name of Investigator: Manuel W. Diaz

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Allegation:

The Miami-Dade County Office of the Inspector General received a complaint from an unknown M-D County employee that former Mayor Carlos Alvarez (Alvarez), M-D Parks and Recreation (P&R) Director Jack Kardys (Kardys) and former County Manager George Burgess (Burgess) required P&R employees to attend a special meeting that the complainant labeled as a "political rally." At the special meeting, Burgess railed against misrepresentations in the local media about the 2010-2011 M-D County Budget. An investigation was initiated to determine if Alvarez, Kardys andor Burges mandated employee attendance at the special meeting to influence M-D County P&R employee in a county referendum on the March 14, 2011, dealing with the recall of the M-D Mayor and a M-D Commissioner.

Applicable Legislation:

The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec 2-11.1:

"(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:

Interview: Jack Kardys - Director, M-D County Parks and Recreation

Kardys was interviewed via telephone and advised as to the complaint. He described the meeting as a "staff meeting" which included supervisors as well as full and part-time employees. Kardys provided a copy of the agenda for the meeting. (A copy of the agenda has been included in the investigative file.)

Kardys advised that he invited Burgess to attend the meeting to answer P&R employees' questions about the County's Budget. Concerning any comments made by Burgess, Kardys said that Burgess praised P&R employees for their hard work and provided an update on the M-D County Budget for 2010-11 and the reality of future budgets. Concerning the March 14, 2011 recall referendum, Burgess encouraged those present to study the issues and make informed decisions. Kardys does not recall any Burgess comment concerning the "elephant in the room" or Burgess specifically saying, "if this passes, (the recall) we all better be worried".

Interview: Juan Armas - Training Manager, M-D Parks and Recreation

Juan Armas (Armas) was interviewed via telephone. He advised the following concerning the supervisor meetings and staff meetings. The P&R Department attempts to hold supervisor meetings quarterly. Supervisors are encouraged to bring subordinates. Armas, as Training Manager, coordinates the meetings. Armas advised that the practice of holding supervisors meetings initiated under the direction of former P&R Director, Vivian Rodriguez (Rodriguez). Under Rodriguez, the meetings were comprised of only supervisors and some staff members. The meetings were held at various locations throughout the county. In 2007, when Kardys was named Director, he expanded the meeting to include supervisors, some staff members and other workers.

Supervisors were encouraged to bring their subordinates. The number of employees attending the meetings has increased since 2007, when Kardys was named director. The purpose of the meetings has always been to boost moral and keep employees abreast of P&R and M-D County news. Burgess had attended other meetings to speak to employees, last in 2009 when the P&R Department won a national award.

Armas was asked to include Burgess on the agenda for the meeting by Kardys. Attendance at the meeting was expanded to include all available full-time and part-time employees. (Kardys in an earlier email to the COE advised that he wanted employees to receive accurate information directly from the County Manger. Copy in file.)

At the meeting, Burgess praised the hard work of the department. Burgess spoke concerning the 2010-11 budget and the referendum to recall the Mayor. He advised those present of the reality of the changes in future budgets to include personnel cuts. Burgess encouraged those present to make an informed decision when voting. According to Armas, Burgess did not “encourage” employees how to vote in the recall election. Armas did not hear Burgess use the term “elephant in the room.” Armas advised that he was not present for all of Burgess’ comments.

Armas provided a copy of the sign in-log and a copy of the email sent to employees announcing the meeting. The meeting was not recorded.

In addition, Armas provided copies of the announcements and sign in logs for the previous three supervisors meeting.

Note: Former Mayor Alvarez and former County Manager Burgess were not interviewed for this investigation.

Attendance at Supervisors meetings and Employees meetings:

Supervisors Meetings:

Date	Attendance
Jan. 27, 2010	209
May 12, 2010	181
Oct. 1, 2010	222

All Employees Meetings:

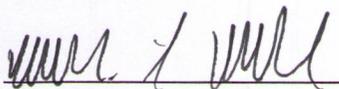
Date	Attendance
Feb. 2011	737

Summary of the Investigation :

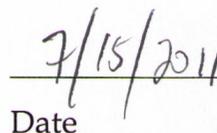
1. The COE received an anonymous employee complaint forwarded by the M-D Inspector's General Office.
2. The complaint alleged that the Parks and Recreation Department held a mandatory meeting (which was in reality a "political rally") for all staff on February 10, 2011.
3. The complaint alleged that at the meeting, former County Manager Burgess railed against misrepresentations in the local media about the 2010-2011 County Budget. In addition, Burgess said that if the recall of the County Mayor passed, County workers jobs would be in jeopardy.
4. Jack Kardys, Director, M-D County P&R, advised that the department holds quarterly supervisors meeting to boost moral and update employees of issues. Because of the problems with the budget, he expanded the meeting to include all staff, supervisors, and all full-time and part-time employees. Kardys invited Burgess to address the employees and present a realistic County budget outlook. Burgess addressed the employees.
5. The meeting was not recorded.

Conclusion:

The investigation did not revealed a violation of the M-D Conflict of Interest and Code of Ethics Ordinance. Therefore, the case will be closed without further action.



Michael P. Murawski, Independent Advocate



Date