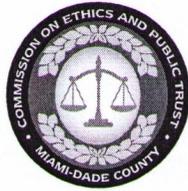


# MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



## REPORT OF INVESTIGATION

K #: K12-187

Date Opened: 12/21/12

Date Closed: 3/6/13

Name of Investigator: Manuel W. Diaz

---

### **Allegation:**

In a letter to the COE, Edward Fisher alleged that Miami-Dade County (MDC) Citizen's Transportation Advisory Committee (CTAC) member, Barbara Walters (Walters), exploited her position as a CTAC member.

The letter advised that Walters:

1. Met with MDC Commissioners and Metropolitan Planning Organization (MPO) members to discuss CTAC business. (No specific commissioners or MPO members were named.)
2. Discussed CTAC business with other CTAC members in violation of the Florida "Sunshine Law." (No names of CTAC members were mentioned.)
3. Used her position as a CTAC member in an attempt to obtain contracts from Miami -ade Transit (MDT).
4. Used her position as a CTAC member to obtain vehicle transportation from MDT supervisors.

### **Historical:**

The CTAC is comprised of private citizens who have been appointed by the MPO Governing Board, two per board member, to insure that proposed transportation projects are

responsive to the community's needs and goals. CTAC Board members according to COE INQ 11-153, fall under the jurisdiction of the COE. (Copy in file)

**Applicable Legislation:**

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

*(c) Prohibition on transacting business with the County.*

(1) No person included in the terms defined in Subsection (b)(1) through (6) and in Subsection (b)(9) shall enter into any contract or transact any business, except as provided in Subsections (c) (2) through (c)(6), in which he or she or a member of his or her immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this Subsection shall render the transaction voidable. Willful violation of this Subsection shall constitute malfeasance in office and shall effect forfeiture of office or position.

*(e) (3) Gifts*

A person described in Subsection (b) (1) through (6) shall neither solicit nor demand any gift. It is also unlawful for any person or entity to offer, give, or agree to give to any person included in the term defined in Subsection (b) (1) through (6) or for any person included in the term defined in Subsection (b) (1) through (6) to accept or agree to accept from another person or entity, any gift for or because of.

*(g) Exploitation of official position prohibited.*

No person included in the terms defined in Subsections (b) (1) through (6) and (b) (13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or her 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:**

**Interviews:**

Edward A. Fischer (Fisher) - An attempt was made to speak to Fischer. His wife, Ann Fischer, contacted the COE and advised because of poor mental and physical condition Fisher was unable to provide any additional information. She advised that Fischer received the information concerning Walters from a friend, not mentioned in the letter. She requested that the COE make no further attempts to contact her husband.

Elizabeth Rockwell (Rockwell), MPO Public Involvement Manager and Paul Chance, MPO Public Information Officer CTAC - They confirmed that Walters is a board member of CTAC. Walters was appointed by City of Homestead Mayor, Steven Bateman, an MPO member, to sit as his representative. Walters has been a member of CTAC for a number of years, appointed by various members of the MPO.

According to Rockwell, the members of the CTAC are required to attend Ethics Training. The members meet monthly to discuss issues important to MDT ridership and make recommendations to the MPO. Members will periodically take votes on which items to forward to the MPO. The MPO evaluates the recommendations and determines which should be forwarded to the BCC.

Concerning the allegations made in the letter, Rockwell advised the following: members are advised that they can visit elected representatives, but they are prohibited by policy to discuss any CTAC matters with the elected officials. As part of the COE training, members are instructed on the "Sunshine Law." Members are also instructed that any communication among members concerning CTAC matters outside of a public meeting would be improper. Rockwell also advised that it would be likewise improper for any member to receive any preferential treatment from MDT. Rockwell advised that she had heard that Walters routinely visited members of the BCC, but was unaware of the matters they discussed.

Ysela Llord (Llord), Director, MDT - Llord was interviewed via telephone. She has met with Waters in the past to discuss the maintenance, operation of MDT vehicles, and other MDT concerns. According to Llord, she routinely meets with MDT users and other members of the public to discuss MDT concerns. Llord advised that Walters expresses interest in obtaining contracts with from MDT, which included selling advertising in maps and brochures published by MDT. Llord advised Walters to contact Rosemary Cortez, Director of Marketing for MDT and Assistant County Attorney Bruce Libhaber to discuss her proposals.

Llord never heard the allegations that Walters was using her position as a member on CTAC to solicit rides from MDT. She recommended that the COE contact Eric Multan, MDT

Chief of Safety and Security. Llorca noted that Walters, because of her age, may have qualified for free public transportation.

Eric Multan (Multan), MDT Chief of Safety and Security - Multan advised that he has met with Walters in the past. She inquired how to get a permit to operate food trucks at the MDT Brickell Station. Multan was aware that she was a CTAC member. Multan advised that the permit was never issued and the food truck event never occurred.

Bruce Liebhaber Esq. (Liebhaber), Assistant County Attorney - Liebhaber advised that he had met with Walters to discuss the possibility of a contract with MDT to provide advertisers for MDT brochures. Liebhaber advised Walters that, in his opinion, all work awarded by MDT would have to go through a competitive bidding process. Liebhaber was aware that Walters was a CTAC Board member. He advised that she never attempted to use her membership to influence his opinion.

Rosemary Cortez (Cortez), Director of Marketing MDT - Cortez met with Walters to discuss a proposal where Walters was to provide advertisers for MDT brochures. During the meeting Walters made a proposal. Cortez advised Walters that any contracts would have to be competitively bid. The meeting was held in November-December 2012. To date, MDT has not moved forward to issue a RFP. Walters has not contacted her since the meeting.

Cortez knew that Walters was a board member of the CTAC. Walters never referred to her membership on the board before or after the meeting. Cortez provided several emails from Walters requesting meetings with MDT staff. (Copies are in the investigative file)

Barbra Walters (Walters), Respondent - Walters was interviewed at the COE and advised as to the scope of the allegations in the letter. Walters advised that she has served as a member of CTAC for a number of years. As a member of CTAC, she has the opportunity to meet and interact with a number of MDT staffers.

Walters described herself as an advocate for MDT and public transportation in general and acknowledged meeting with BCC members and MDT staff members. According to Walters, she frequently meets with them to discuss issues that affect MDT ridership. She does not hesitate to

call MDT and speak to staff members directly to advise when busses are late, early or do not show. She emphasized that she has never used her membership to solicit any special treatment or in an attempt to intimidate. When she meets with the members of the BCC and MDT staff she meets with them as private citizen to express her concerns.

Walters had, what she described as, a small contract for advertising with MDT while Harpal Kapoor (Kapoor) while was the Director. Kapoor was resigned in 2011. She made a proposal to Kapoor to work on advertising brochures and the proposal was accepted. She is not sure what procedure was followed by MDT in the awarding of the contract. She advised that the contract ended prior to Kapoor's resignation.

Walters recalled three or four times over the past several years when she called MDT and complained that busses did not arrive when scheduled; each time she spoke to a supervisor. On those occasions there was usually an apology from the supervisor and a bus would show up and transport her to her destination. Walters denied that she ever used her position as a CTAC member to intimidate any MDT employees.

Derrick Gordon (Gordon), MDT Assistant Director of Bus Services - Gordon knows Walters. He described her as frequent bus rider and an individual that calls when she encounters problems with transportation services. According to Gordon, she also calls to commend employees for good work. Gordon is aware that Walters is a CTAC Board member. He advised that Walters has never used her board membership to intimidate him, or as far as he knows any other MDT employee. He acknowledged that MDT has accommodated Walters on occasion when MDT erred in not providing bus service as advertised. Gordon added that the accommodation (bus ride) was not "special treatment"; any rider, who experiences the same, would receive the similar accommodation.

**Note:** Walters was advised, during the interview that she, as a CTAC member, may be prohibited from receiving contracts with MDT. Walters was advised to contact the COE and request an opinion, prior to continuing her efforts to obtain a vendors contract.

**Note:** Miami Dade Procurement data base was queried for the following corporations listed for Walters; Arch Creek Corporation, Jay-Bar Enterprises, Inc., Barbra Walters, Inc. and AJC Ventures, Inc. None are vendors for MDC.

**Conclusion:**

There is insufficient evidence to warrant filing of a complaint against Walters. Walters has been issued an INQ (attached) by Senior Staff Counsel, Victoria Frigo, as to the limitations and constraints placed on her as a CTAC member as it relates to her relationship with MDT. The instant case is therefore closed, without further action.

## Ramos, Miriam S. (COE)

---

**From:** Frigo, Victoria (COE)  
**Sent:** Wednesday, March 06, 2013 3:17 PM  
**To:** 'bwalters1701@yahoo.com'  
**Cc:** Murawski, Michael P. (COE); Ramos, Miriam S. (COE); Diaz, Manuel W. (COE); Centorino, Joseph (COE)  
**Subject:** CTAC board member (INQ 13-54)

Ms. Walters,

You asked about certain ethics requirements imposed on you as a member of the Citizens Transportation Advisory Committee (CTAC), a board created by the Metropolitan Planning Organization (MPO).

The MPO has consented to abide by the Miami-Dade County Ethics Code through its administrative services agreement with the County. Consequently, as an advisory board member covered by the County Ethics Code, you are prohibited from lobbying or entering into business relationships in the County under the following provisions:

Sec. 2-11.1 (c)(3)—prohibits you from contracting with any County department or agency that is subject to the regulation, oversight, management, policy-setting, or quasi-judicial authority of CTAC.

Sec. 2-11.1 (g)—prohibits you from using your position with CTAC to obtain special privileges or exemptions for yourself or others.

Sec. 2-11.1 (m)(2)—prohibits you or an associate from appearing before CTAC seeking a benefit for yourself or others. You are also prohibited from accepting compensation in connection with a benefit sought by a third person that could be granted by CTAC.

If questions arise about a particular set of circumstances that may fall within these provisions, please feel free to contact me for further clarification.

Sincerely,

**VICTORIA FRIGO, SENIOR STAFF ATTORNEY**

Direct Phone: 305 350-0601  
Main Number: 305 579-2594  
Fax: 305 579-0273

miamidade.gov 

19 West Flagler St., Suite 820  
Miami, FL 33130

*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.*