

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

#K12-069

Date Opened: 04/11/12

Date Closed: 11/28/12

Investigator: Sylvia Batista

On or about 04/09/12 the COE received information regarding an event scheduled to be conducted by the City of North Miami at North Miami Senior High School on 04/22/12.

According to the flyer provided by source, the event is the *International Haitian Talent Show* set to be held on 04/21/12 at North Miami Senior High featuring special guest, the Mayor of North Miami, Andre Pierre. There is no indication on the flyer that an admission fee will be charged to attend the event.

The COE's issue relates to a violation of the Conflict of Interest and Code of Ethics Ordinance Section 2-11.1(g) *Exploitation of official position prohibited*.

Investigation:

In addition to the flyer advertising the event, source provided a copy an e-mail which reflects that Stephanie Thomas (Thomas), Constituent Services Coordinator for the Mayor's office, was involved in scheduling the event at North Miami Senior High. An e-mail from

Alysia Marsh, Miami-Dade Public School Accounting & Billing Specialist, to Thomas, advised of a scheduling conflict in connection with the event and asks that she assist in finding a solution.

08/01/12 – Alysia D. Marsh, Accounting & Billing Specialist, M-D County Public Schools, Facilities Operations, Maintenance – Finance –

Marsh was contacted in connection with the subject matter. She confirmed knowledge of her e-mail to Thomas, informing her that there was a conflict with the original date of the event, 04/21/12. Marsh said that as a result, the City agreed to change the event to 04/22/12. She said that she thinks there was a fee waiver for the City's use of the auditorium at North Miami Senior High. Marsh said she recalls that the City paid for staff at the event.

08/08/12 - Public Records Request to Miami-Dade County Public Schools –

A public records request was submitted to Miami-Dade County Public Schools on 08/08/12.

09/28/12 - John Schuster, Chief Communications Officer, M-D County Public Schools –

Schuster responded that the staff of the Education Transformation Office has advised that they could not find any record responsive to our request.

In a telephone conversation with Rolando Martin, Director of Community Development and Public Outreach, Public Information for Miami-Dade County Public Schools, the response to the public records request was questioned and the public records request resubmitted by the COE on 10/31/12.

11/08/12 –Schuster provided the following documents responsive to the COE’s public records request:

DATE	FROM	TO	DESCRIPTION
03/08/12	S. Johnson City Mgr.	M-D Cty Public Schools	Application for temporary use of school building facilities of M-D County Public Schools – Temporary Use Agreement – by the City of North Miami for concert at North Miami Sr. High School on 4/22/12. Note: The application reflects that the event is free of charge and open to the public.
09/29/08	City of North Miami	M-D Cty Public Schools	City of North Miami Risk Certificate of Self-Insurance.
06/12/12	S. Johnson City Mgr.	M-D Cty Public Schools	Jessica Lunsford Affidavit – Community Based Organization. This affidavit signed by S. Johnson states that all City employees permitted access to school grounds have undergone a Level 2 Background Screening within the past 5 years.
04/09/12	M-D Public Schools	City of North Miami	Request for and <u>approval</u> of fee waiver for utilization of school facilities on 04/22/12.
04/13/12	M-D Public Schools	S. Johnson City of No. Miami	Rental Invoice for \$25.00 for processing fee for 4/22/12 event.
04/16/12	M-D Public Schools	S. Johnson City of No. Miami	Rental Invoice for \$533.00 for custodian, security guard and audio visual tech for the event on 4/22/12.
09/25/12	City of North Miami	M-D Public Schools	Check #196701 in the sum of \$558.00 payable to M-D Public Schools for above invoices for rental of the North Miami Sr. High auditorium.
03/06/12	Alysia Marsh (Marsh) Acct and Billing Specialist, M-D Public Schools	Stephanie Thomas, City of North Miami	E-mail advising re. conflict with previously scheduled date of 04/21/12.
03/09/12	Thomas	Marsh	E-mail advising that the City has decided to change the date of the event to 04/22/12.
03/21/12	Thomas	Marsh	E-mail inquiring whether Marsh has received paperwork for 04/22/12 event.
03/21/12	Marsh	Thomas	Confirming receipt of paperwork.

04/13/12	Marsh	Thomas	E-mail attaching revised invoice for 04/22/12 event and providing additional cost information for staffing of event.
04/18/12	Thomas	Marsh	E-mail asking whether the concession stand will be made available for the event, and requesting that it be made available.
04/18/12	Marsh	James Dominique	E-mail asking whether opening up the concession stand for the event is acceptable.
04/18/12	Marsh	Thomas	E-mail advising that the concession stand can be used for storage only, and that if any food is to be served, they must use the cafeteria only.
04/20/12	Thomas	March	E-mail asking that she reserve the cafeteria.
06/12/12	Thomas	Marsh	E-mail attaching the affidavit requested.
07/25/12	Marsh	Thomas	E-mail advising receipt of the Temporary Use Agreement for 09/15/12; requesting updates on attached outstanding invoices for past events; and requesting an updated letter of Self Insurance.

Summary:

This investigation showed that the City of North Miami conducts concerts and other entertainment events at North Miami Senior High for purposes other than fundraising. The subject event entitled “International Haitian Talent Show” was a free event open to the public. However, the City expended a significant sum of money and time to bring the event to fruition. The aforementioned records reflect that, despite obtaining a fee waiver from Miami-Dade Public Schools, the City paid the sum of \$558.00 to rent the facilities for this event. The records show that the City also paid for security staff at the event.

Copies of the aforementioned e-mails reflect that, besides the 04/22/12 event, the City planned events at the high school for 06/16/12, 07/08/12, and 09/15/12. Little else is known about the events, other than the fact that as of 07/25/12, the City had outstanding invoices with

Miami-Dade Public Schools for past events, and one invoice remained unpaid until past 08/22/12.

Conclusion:

There is no evidence that official at the City of North Miami exploited their official positions with regard to the *International Haitian Talent* show, therefore, the instant case is closed without further action.