

Biscayne Building
19 West Flagler Street
Suite 220
Miami, Florida 33130
Phone: (305) 579-2594
Fax: (305) 579-2656

Miami-Dade County Commission on Ethics and Public Trust

Memo

To: Mike Murawski, independent ethics advocate
From: Karl Ross, ethics investigator
Date: March 19, 2013
Re: K13-026 Nancy Vallejo Whistle-blower Complaint

Ms. Vallejo contacted COE on or about Feb. 27 regarding alleged fraud perpetrated by her employer in connection with a Miami-Dade County capital project – Marlins Park. Ms. Vallejo alleged the owner of Designer’s Specialty Millwork of Ft. Lauderdale falsified compliance records relating to the Davis-Bacon Act, which requires contractors and subcontractors of projects receiving federal funds to pay their laborers according to a schedule set by the federal government. This schedule is usually set higher than wages typically paid in the private sector.

Ms. Vallejo alleged that her employer instructed 18 members of her workforce to cash phony pay checks at a check-cashing store and return the proceeds to her in order to falsify compliance. The employer allegedly paid them a lesser amount, and threatened to fire anybody who didn’t participate in the scheme. Vallejo said she learned of this from the company’s chief financial officer, and confronted her employer, Gladys Harrison, telling her: “You broke the law.”

Ms. Vallejo claims Harrison then set about sabotaging her performance as the company’s business development and marketing representative. She stated during her interview on Feb. 28 that she was fearful of losing her job, and that she believed her disagreement with her employer over the Davis-Bacon issue was to blame. She also stated that her employer owes her \$60,000 in back commissions, and that she complained about alleged sexual harassment by a company consultant.

Ms. Vallejo advised that she visited the county's Office of the Inspector General and filed a complaint earlier in the week and that she met with investigators. She said she was trying to get the company's CFO to cooperate with authorities, but stated he may be reluctant to do so in order to save his job and other considerations. She was advised that COE legal staff would research whether the county's Employee Protection Ordinance might confer whistle-blower status upon her.

On or about March 18, Ms. Vallejo was advised that COE researched the matter and that, as a private-sector employee, she was not afforded protection under the county's whistle-blower ordinance. It was determined that the county's ordinance only extended to county employees.

Ms. Vallejo expressed disappointment, but said that she had retained private counsel and would seek legal action against her employer. She further advised that she had been terminated from her position after confiding in the company's CFO and advising him to contact authorities with information about the alleged scheme to falsify Davis-Bacon compliance on the Marlins Park project. She said the CFO instead told her employer that she had gone to authorities, prompting her dismissal.

Accordingly, the investigation is closed as referred to the Miami-Dade Office of the Inspector General.