



CASE CLOSED
Date 7/19/2016

Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Robert Steinback

Case K14-128	Case Name: Ana Hercules	Date Open: December 8, 2014	<u>Date Closed:</u>
Complainant(s): COE	Subject(s): Ana Hercules		

Allegation(s):

When this case was opened, Ana Hercules (Hercules) was working as an Offer Coordinator for the Miami-Dade Public Housing and Community Development (PHCD) department, Asset Management Division. At the same time, Hercules was living in a subsidized public housing unit. It was determined by the Miami-Dade County Commission on Ethics and Public Trust (COE) that Hercules was employed in a department with an administrative role over a program from which she personally benefited, thus constituting a conflict of interest.

Relevant Ordinances:

Subject is alleged to be in violation of Sec. 2-11.1(c)(4): *Notwithstanding any provision to the contrary, the County and any person or agency acting for Miami-Dade County shall not award a contract to any person [covered by this section]...*

And, Sec. 2-11.1(c)(5)(5): (4) *Nothing herein shall prohibit or make illegal [...] (5) an application for direct assistance from the Miami-Dade County Department of Housing and Urban Development or an application to participate in a program administered by the Department of Special Housing, submitted by an applicant who is a County person [...] and who would be eligible for such assistance from said department; provided, however, that the*

exception provided in this paragraph shall not extend to an employee of the Miami-Dade County Department of Housing and Urban Development or the Department of Special Housing who participates in the administration of said programs...

Investigation:

Interviews

During the term of the case, Hercules called the investigator on several occasions, typically as another deadline was approaching, to argue, as she had from the beginning, that she was a victim of circumstances. She states that she qualified for public housing after already living in public housing, and that she was cleared each step along the way. She said that no one warned her that accepting the housing would create a conflict of interest with her job, and felt it unjust that she be required to remedy the situation after the fact. She also argued that an unexpected departmental realignment actually created the present conflict of interest.

Hercules reiterated on several occasions that she has five children, and recounted the difficulty of finding affordable housing as a single mother of such a large family. She called on certain occasions to emphasize that she was both searching for alternative housing and applying for other County jobs. Hercules complained that all of the jobs she applied for seemed to involve a cut in pay, which she said she could not afford.

Hercules called on at least two occasions to say that she was on a waiting list for subsidized housing that would not conflict with her current job, and very close to the top of that list.

Ana Hercules case log timeline

December 2, 2014 – Human Resources contacts Hercules, letting her know that she has 60 days to resolve the conflict of interest between her job and her housing arrangement.

December 3, 2014 – Hercules directs a letter of response to Liu appealing the 60-day deadline.

In the letter, Hercules states that she has worked in her current job since January 2000, and that she is a single mother with five children. She states that she applied for Housing Assistance in March 2001. She said she was deemed to be eligible for the program in 2005, and has lived in public housing ever since.

Hercules wrote that “approximately two years ago,” (i.e., late 2012), “the Agency decided to relocate the program that I was working for (Section Eight Moderate Rehabilitation Program) to the Over Town [sic] Transit Village office located at 701 NW 1st Court. ... leaving me

working at the Applicant Leasing Center that now only handled the Project-Based (Public Housing) Program. I was not given an options [sic] nor an explanation of why I was changed from my assigned responsibilities or why I was changed from the Moderate Rehabilitation Program to now handling Project Based Program. No one mentioned that this decision made by the Agency would cause this conflict of interest.”

December 4, 2014 – PHCD Director Liu agrees to a 12-month extension of the deadline for Hercules to resolve the conflict of interest, the new deadline being Dec. 2, 2015.

December 5, 2014 – COE receives copy of Liu’s letter agreeing to 12-month deadline extension.

December 8, 2014 – Case assigned to this investigator, with instructions to monitor compliance. Investigator sends e-mail letter to Hercules.

December 16, 2014 – 2:20 p.m. – Ana Hercules contacts the investigator by phone to acknowledge receipt of my e-mail.

August 25, 2015 – sent three-month courtesy reminder to Hercules of Dec. 2 deadline.

November 2015 – The investigator and COE Executive Director Joseph Centorino hold a telephone conversation with Liu regarding Hercules, who has made no progress resolving the conflict. Centorino tells Liu it is up to Liu to decide whether or not to grant Hercules another extension, but that the requirement that she resolve the conflict either with new employment or new housing cannot be modified.

April 15, 2016 – Gilma Diaz-Greco sends letter to Hercules in response to an inquiry, stating that Hercules would not have a conflict of interest if she were to take advantage of either the Housing Choice Voucher program, or the Moderate Rehabilitation program, while maintaining her position as Offer Coordinator for PHCD’s Assent Management division.

May 11, 2016 – Gilma Diaz-Greco issues a memorandum to the Ethics Commission regarding County employees living in County-subsidized public housing. In it, Diaz-Greco recommend approval of the determination that Hercules would not be in conflict if she participates in either the Housing Choice Voucher program, or the Moderate Rehabilitation program, while maintaining her position as Offer Coordinator for PHCD’s Assent Management division.

June 29, 2016 – Ana Hercules called to say she has had no success finding either a new residence or a new job. Subsequently spoke to Michael Liu, her supervisor, who said he is “open to reconsidering” an extension of her deadline.” He said “I get a sense of some effort” from her to find new housing or a new position, though he said he wasn’t sure if it was maximum effort. He added that “she is a good person,” and didn’t sound inclined to come down hard on her. He promised to check with his staff and get back to me this week. (today is Wednesday.)

June 30, 2016 – Letter from Arlene Cuellar, Director of Human Resources, to Hercules informing her that “all extensions that have been afforded to you to remedy this issue” were

exhausted, and that she would relinquish her position effective July 1, 2016. The letter went on to say that Hercules has “classified service rights” [meaning, the right to claim alternative employment] as a Data Entry Specialist 1, and would be assigned to such a position within the Internal Services Division (ISD) effective July 5, 2016.

July 14, 2016 – Call from Ignacio Ortiz, senior executive assistant to Michael Liu, confirming that Hercules has secured a new job in ISD, effective July 5, 2016.

Document/Audio/Video Review:

From COE File:

- November 25, 2014 letter from PHCD Director Michael Liu (Liu) to Hercules describing her meeting with Human Resources describing what the COE determined was a conflict of interest concerning her position as PHCD Offer Coordinator for the Asset Management Division, and her status as a tenant within the County’s Public Housing program. Hercules was given 60 days to locate alternative housing or risk relinquishing her employment.
- December. 4, 2014 letter from COE Advocate Michael Murawski to Hercules informing her that she had been granted an additional 12 months to resolve the above-noted conflict of interest.
- April 15, 2016 letter from COE Staff Attorney Gilma Diaz-Greco determining that if Hercules could participate in the County’s Housing Choice Voucher or Moderate Rehabilitation programs without creating a conflict of interest with her present employment.

From Human Resources:

- June 30, 2016 letter from Arleene Cuellar, Director of Human Resources, to Hercules informing her that “all extensions that have been afforded to you to remedy this issue” were exhausted, and that she would relinquish her position effective July 1, 2016. The letter went on to say that Hercules has “classified service rights” [meaning, the right to claim alternative employment] as a Data Entry Specialist 1, and would be assigned to such a position within the Internal Services Department effective July 5, 2016.
- Copy of Personnel Change Document for Ana Hercules, dated July 4, 2016, showing transfer to Data Entry Specialist 1 for the Internal Services Department. The change is

recorded as a "demotion," with the following added information: "Demotion due to layoff action. Exercise classified service rights to Data Entry Specialist 1 position."

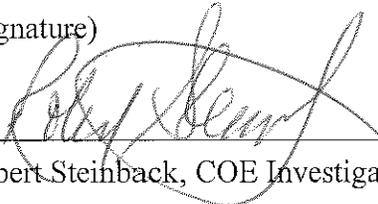
(Description of item reviewed including date)
Summary of findings

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Conclusion(s):

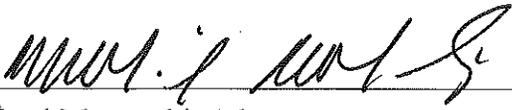
After conversation with the COE Advocate, it was determined that since Ms. Hercules has corrected the conflicting employment this matter should be closed with no further action.

(Signature)

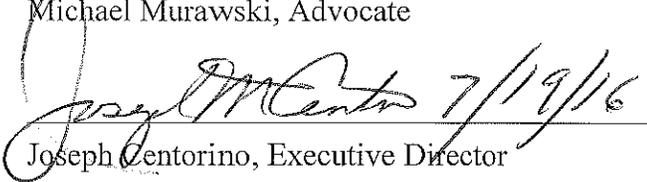


Robert Steinback, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director