



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

**CASE
CLOSED**

Investigator: Breno Penichet

Date: 8/31/2015

Case K15-024	Case Name: 311 Operator makes Code complaints	<u>Date Open:</u> March 13, 2015	
Complainant(s): Alice Smith	Subject(s): Marline Laing / 311 operator MDC		

Allegation(s):

The COE received a complaint from a concerned citizen advising that Miami-Dade 311 operator may be using her county job to gain a benefit by reporting code violations in her neighborhood. The caller advised that she feels the county employee may be acting beyond the scope of her employment and exploiting her position.

Relevant Ordinances:

Exploitation of official position, Sec. 2-11.1(g), Miami-Dade Conflict of Interest and Code of Ethics Ordinance:

Investigation:

COE Investigators contacted Ms. Alice Smith (Smith) in order to proceed with the investigation. According to Smith who is also retired from Miami-Dade County, her neighbor Ms. Marline Laing (Laing) is employed by Miami-Dade County as a 311 operator and is using her position to gain “points” to benefit her (Laing) in her official capacity. Smith advised that Laing would drive around the neighborhood and would report all the code compliance and nuisance violations she (Laing) would observe.

When Laing was questioned by Smith regarding her conduct, Laing advised that she was working with code compliance as part of her duties, and would get “points” for turning in code violators.

Smith advised that Laing’s actions were creating a very tense and sometimes hostile environment with the neighbors, which Smith felt was unnecessary and reflected poorly on MDC. Smith advised that she spoke to Laing about this matter on several occasions, but Laing would not stop. Smith provided the addresses she knew had been reported by Laing. A check of the system will be conducted to determine which properties were in fact reported and for what type of violations, see chart blow.

1.	12435 SW 198 Street Right of way maintenance 3/3/2015
2.	12436 SW 198 Street No Reports at this address
3.	12446 SW 198 Street Failure to obtain zoning permit 1/28/2015
4.	12496 SW 198 Street Failure to obtain certificate of use 1/20/2015
5.	12433 SW 197 Terr. Failure to obtain zoning permit 2/25/2015
6.	12493 SW 197 Terr. Right of way maintenance 11/18/2013
7.	19920 SW 124 Court No Reports at this address
8.	12351 SW 196 Terr. Commercial Vehicle 6/3/2010
9.	12431 SW 196 Terr. Tethered Dog 12/2/2013
10.	12140 SW 187 Terr. No Reports at this address

Interviews:

Mr. Jorge Gomez
Director 311 Call Center
Doral, Florida

Mr. Jorge Gomez (Gomez) voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegation, Gomez stated that he was unaware of any program that rewarded an employee "points" for reporting any type of code violation. Gomez further advised that none of his employees were working with code compliance, and were being rewarded for turning in their neighbors. Gomez did advise there is a program called "Eyes & Ears" that encourages county employees to report any code, health or traffic issues so they can be addressed, but this program is county-wide and there is no reward associated with it. Gomez assigned Ms. Virginia Nunnally to assist this Investigator.

Ms. Virginia Nunnally
Manger 311 Call Center
Doral, Florida

Ms. Virginia Nunnally (Nunnally) voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegations, Nunnally advised that she was unaware that Ms. Laing was reporting violations in her neighborhood. Nunnally advised that it is not unusual for employees to report certain violations of the code or other problems so they could be addressed. Nunnally was provided with the addresses in question in order to determine what the complaint was and to what department.

Ms. Marlene Laing
Operator 311 Call Center
Doral, Florida

Ms. Marlene Laing (Laing) voluntarily agreed to be interviewed and provide information concerning the investigation. After being advised of the allegations, Laing advised that she did report those addresses because they had what she felt to be serious code compliance violations. Laing advised that when she discussed the program with Smith she was referring to the "Eyes & Ears" program. Laing advised the properties she reported had tall grass, basketball hoops on sidewalk, illegal structures and some other violations. Laing advised that she wanted her neighborhood to look well-groomed and be a safe environment for all. Laing advised that she made the reports through the 311 reporting system "HUB"

Document/Audio/Video Review:

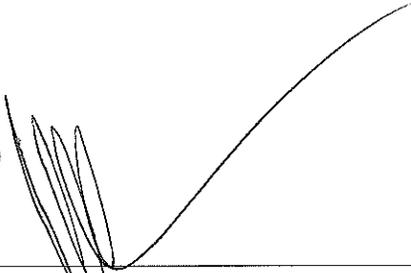
1. Copy of Employee Eyes and Ears Program
2. Service Request Summary Reports.
3. E-Mail From Ms. Nunnally Dated 6/10/2015

Conclusion(s):

There is no evidence to conclude that Laing engaged in any “unlawful use of her official position” or arranged to get any benefit.

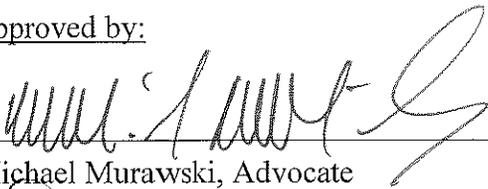
After discussion with COE Advocate Michael Murawski, he advised that Laing did not commit any ethics violations; accordingly, no further action would be taken. Case Closed

(Signature)

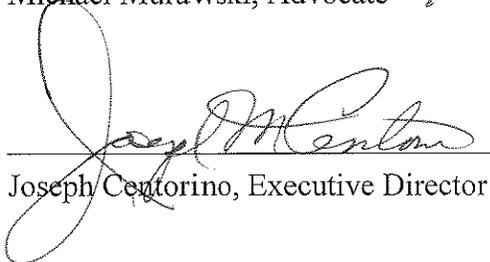


Breno Penichet, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

8/31/15
Date Closed