



**Miami-Dade Commission on Ethics & Public Trust**

**Investigative Report**

**Investigator:** Karl Ross

<b>Case K15-038</b>	<b>Case Name:</b>	<b>Date Open:</b>	<b>Date Closed:</b>
<b>Complainant(s):</b> Referral from Miami-Dade County Office of the Inspector General	<b>Subject(s):</b> Rose V. Durandisse, Bright Egbo	June 17, 2015	July 2, 2015

**CASE CLOSED**

Date: 7/15/15

**Allegation(s):**

It was alleged in a report from the Miami-Dade County Office of the Inspector General that Rose V. Durandisse exploited her position as an employee with the Miami-Dade County Board of County Commissioners by using her County e-mail, computer and other resources in the furtherance of outside employment endeavors and for soliciting charitable donations for her church from lobbyists and others contacting elected officials at the BCC offices.

It was further alleged that Durandisse and another Miami-Dade County employee – Bright Egbo – did not comply with requirements to disclose income from outside employment. Ms. Durandisse was registered with the IRS on behalf of Taxlink Associates Inc., a company formed by Mr. Egbo for the preparation of federal income tax returns.

**Relevant Ordinances:**

Miami-Dade County Code, Sec. 2-11.1(g), *Exploitation of official position prohibited*, stating in applicable part that no person ... “shall use or attempt to use his official position to secure special privileges or exemptions for himself or others ...”

Miami-Dade County Code, Sec. 2-11.1(k), *Prohibition on outside employment*, stating in applicable part that no person ... “shall receive any compensation for his or her services as an officer or employee of the County, from any source other than the County except as may be permitted ...” and that an annual financial disclosure statement be filed.

Investigation:

***Interviews***

On June 24, Carolina Lopez of the Miami-Dade County Elections Department's Government Affairs Division was contacted regarding any financial disclosure forms on file with the agency. Pursuant to this request, COE was advised that no such forms were filed by Durandisse, and that, to the contrary, forms had been filed by Egbo for the past three years.

On June 29, COE contacted Mari Ledesma of the Miami-Dade County Human Resources, and inquired as to whether Durandisse and Bright had received the County's mandatory online ethics course. COE was later advised both took the course in December 2013.

On July 13, COE contacted Rev. Dr. Jean-Renaud Joseph, and inquired about whether the Zion Seventh Day Adventist Church is a registered 501(c)(3) corporation with the Internal Revenue Service. He advised that the church was a registered entity, but said he did not have the most recent certification letter from the IRS because the church had moved from its old address at NW 119th Street and NW 17th Avenue to its new location on NW 12th Avenue. He said he would attempt to find a copy of the prior year's letter and forward to COE.

***Document/Audio/Video Review:***

A copy of the Office of the Inspector General's report regarding "Unauthorized Outside Employment and Misuse of Miami-Dade County Equipment and Time" was read, along with all attachments and replies as contained in the Exhibits and Appendix.

**Conclusion(s):**

After consultation with the Ethics Advocate it was determined that, per Section 2-11.1 (e)(2)(g) of the ethics code, a staff member of the BCC such as Ms. Durandisse, is not prohibited from soliciting gifts for a nonprofit organizations

The Advocate further advised the failure by Ms. Durandisse to receive proper authorization for outside employment, is not covered by the ethics code; failure to obtain permission for outside employment falls under Section 2-11 of the code and the COE's jurisdiction does not begin until Section 2-11.1. Failure to have permission for outside employment is an administrative matter.

The OIG found that Durandisse earned no commissions from Pre-Paid Legal Services, despite being registered as an independent sales contractor from 2008 through 2015. Additionally, the

OIG found that Durandisse earned only a \$50 commission from Taxlink for a referral, but also found that the owner of Taxlink, Bright Ego, still has not paid her the referral fee. Although Durandisse did not file the appropriate disclosure of her outside employment income earned given the paltry amounts of any earnings from her outside employment activity the filing of a formal complaint by the COE was not justified. The OIG was advised that, if they wished to do so, they could file such a complaint.

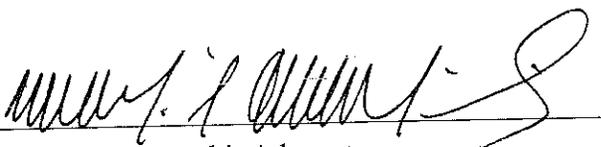
The OIG investigation showed that administration dealt with Durandisse by demoting her and she was transferred to another department. Since Durandisse was penalized administratively, it seems appropriate that this matter best be left as an administrative action.

Upon review and verification of his outside employment financial disclosure forms, there does not appear to be probable cause to take any further action against Mr. Egbo.

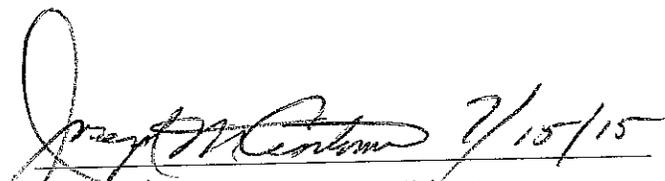


Karl Ross, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director