



Miami-Dade Commission on Ethics & Public Trust
Report of Investigation

Investigators: Sylvia Batista and Nilda Olmo

Case: K16-008	Case Name:	<u>Date Opened:</u>	CASE CLOSED
Complainant(s): Morris Copeland,	Subject(s): Ruban E. Roberts.	02/09/16 Date: <u>7/11/16</u>	

Allegation(s):

On or about 01/27/16, the COE received an inquiry from Morris Copeland (Copeland), Director of Miami-Dade County Juvenile Services Department (MDJSD), involving a new employee of MDJSD, Ruban Roberts (Roberts). Roberts is a member of the Miami-Dade Economic Advocacy Trust (MDEAT). As a member of the MDEAT, Roberts must attend a two-hour monthly meeting which is held during county working hours. Additionally, Roberts requested permission to engage in outside employment for his consulting firm, RER Consulting Enterprise LLC (RER). RER is a private consulting firm which may have received compensation for consulting work done in connection with Roberts' membership on MDEAT.

The COE initiated a review of Copeland's concerns over Roberts' board membership and outside employment.

Relevant Laws:

Conflict of Interest and Code of Ethics Ordinance:

Section 2-11.1(v) Voting conflicts: *Members of Advisory and Quasi-Judicial Board.*

No person included in the terms defined in Subsections (b)(3) (quasi-judicial personnel) and (b)(4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board

member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor.

Section 2-11.1(m) *Certain appearances and payment prohibited.*

(1) No person included in the terms defined in Subsections (b) (1), (5), (6) and (13) [commissioners, the Mayor, departmental personnel, employees and contract staff] shall appear before any County board or agency and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third person, who has applied for or is seeking some benefit from the County or a County agency, in connection with the particular benefit sought by the third person. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a party who seeks legal relief from the County or a County agency through the suit in question.

Section 2-11.1(h) *Prohibition on use of confidential information.*

Prohibits employees from disclosing confidential information acquired by reason of an employee's official position with the County, or from using such information directly or indirectly for his or her personal gain or benefit.

Section 2-11.1(g) *Prohibition on exploitation of official position.*

No person included in the terms defined in Subsections (b) (1) through (6) and (b) (13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

Section 2-11.1(j) *Conflicting employment prohibited.*

No person included in the terms defined in Subsections (b) (1) through ((6) and (b) (13) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.

Investigation:

Review of E-mails and Interviews:

02/01/16 – Request for Outside Employment from Roberts to Copeland asking for permission to engage in his own private business, RER Consulting Enterprise. Roberts' outside employment responsibilities are described as "training and consultation" for two hours per week. Roberts did not receive approval to engage in outside employment from Copeland.

02/12/16 – Martha Perez of COE e-mailed ethics opinion provided to Traci Pollock (Pollock), Special Projects Administrator (Operations) of MDEAT.

Martha Perez opined that Roberts' public duties as a Juvenile Assessment Counselor for MDJSD present potential conflict of interest with his role as a member of MDEAT. Also, Robert's initial position as a board member of MDEAT followed by his employment with MDJSD exposes him to situations impairing or hindering his independence of judgment in the performance of his duties as a board member. It is clear that the decisions and recommendations made by MDEAT, as the parent organization of Teen Court, may impact Robert's work at JSD. Unless there is an agreement which considers that representatives of MDJSD will sit as members of MDEAT, it is recommended that Roberts not serve on the MDEAT board while employed by MDJSD.

03/07/16 – Roberts' resignation letter from the MDEAT.

05/12/16 – Tahra Sealy, Juvenile Assessment Supervisor, MDJSD –

Tahra Sealy (Sealy) is Roberts' supervisor. Sealy was contacted regarding records of referrals made by MDJSD. Sealy explained that they do not keep a record of where their cases ultimately get referred. They refer cases to a group of companies which in turn can refer the cases to another provider. Roberts could go to a meeting also attended by some of the companies which get their referrals and he could ask them to refer the case to his company. Roberts has access to the case material where he can see which company got the referral. Many referrals are by word of mouth.

05/31/16 – Morris Copeland, Kathy Burgos and Jessica Vallejos-Landestoy, MDJSD –

Roberts was recently hired by MDJSD. After he was hired, Roberts submitted a Request for Outside Employment to Copeland asking for the authorization to engage as the CEO of RER. RER is a private consulting firm which is qualified to provide training and consulting for juveniles processed by MDJSD. Roberts has been engaged in training and consulting services with RER since before his employment with MDJSD. Copeland did not know about Roberts' outside employment activities until Roberts requested authorization from Copeland after being hired as a case manager for MDJSD.

Burgos said that at a meeting with Roberts and officials from Miami Dade County Police Dept., Roberts candidly mentioned RER contracts which Burgos interpreted as meaning that he may have obtained the contracts through his employment with MDJSD. Copeland and Burgos said

that they are not certain if he got the contracts because of his employment with MDJSD by getting inside information, or because of his membership on MDEAT. Their concern is that he has contracts and he took the job with MDJSD to further his agenda. At MDJSD he is finding out what the needs are and is using the information to his advantage.

Copeland requested an ethics opinion with regards to Roberts' membership on the MDEAT. The COE told Copeland that if MDEAT met the needs of the MDJSD, Roberts did not need to resign from MDEAT. Roberts was allowed to stay on the MDEAT at first. However, Roberts was later told that his employment conflicted with his membership on the MDEAT, therefore, Roberts resigned the board. Roberts was also on NAACP board running a committee (Criminal Justice). At first Copeland was told that Roberts could continue his membership on the NAACP. Roberts was talking about doing work for the NAACP during his county workhours. Roberts was then told to resign from both boards, which he did.

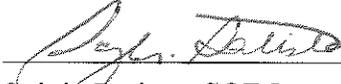
Copeland explained that when they found out that Roberts had a private corporation (RER), they became concerned that Roberts could get contracts for his outside employment from MDJSD. Roberts could get inside information and use it to his benefit. Their concern (Copeland and Burgos) was that Roberts could get contracts by using his county position to further his private agenda. They do not know if he has obtained contracts for his private company through his employment with MDJSD. Roberts was advised not to do so when he requested authorization for outside employment. Roberts has not been given permission by Copeland to engage in outside employment. Copeland and Burgos advised that Roberts cannot be given the permission as it would be a violation. Copeland and Burgos said that they will advise when a decision has been made as to Roberts' termination.

06/30/16 – Roberts' Termination letter provided by Copeland. Copeland advised Roberts that he failed his probationary period and is hereby terminated effective on 06/30/16. Roberts refused to sign his acceptance of the termination letter.

Conclusion:

It is inconclusive whether Roberts violated any section of the Conflict of Interest and Code of Ethics Ordinance (the Code) during his brief employment at MDJSD. However, Roberts' Board membership and County employment combined with his private endeavors creates an enormous potential for violations of the Code.

In view of the fact that Roberts is no longer a member of the MDEAT Board nor will he continue his employment with MDJSD, the probability for violations has been eliminated. This matter can be closed with no further action.



Sylvia Batista, COE Investigator

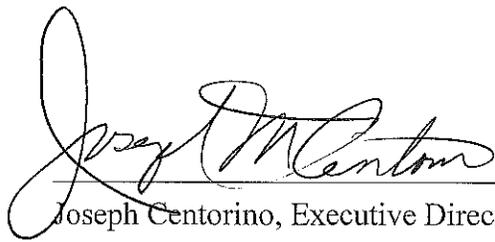


Nilda Olmo, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

Date: 7/10/16

Date: 7/27/16