



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

**Investigative Report**

**Investigators: Nilda Olmo**

<b>Case:</b> K16-18	<b>Case Name:</b> Stacie Lurie	<b><u>Date Opened:</u></b> 04/11/16	<b>CASE CLOSED</b>  Date: 5/18/2016
<b>Complainant(s):</b>  Staci Lurie Web Publisher, MD Communications Dept.	<b>Subject(s):</b>  Shawn Hinchey Station Manager, MD TV Communications Dept.		

**Allegation(s):**

COE received a complaint from Staci Lurie (Lurie). She is employed as a Web Publisher in the County Communications Department. According to Lurie, Shawn Hinchey (Hinchey), her supervisor, pressured her to open a private Google e-mail account in order to store County records.

The Google account would be in her name, using her County ID, County e-mail address and a false gender and date of birth. Lurie refused to open the account since she viewed it as an invasion of her privacy. Hinchey proceeded, without her consent, to open an account for her using the initials "LS" and a fictitious date of birth, which he believed would keep her real date of birth private. Lurie realized the account had been created when she received a Google request to authorize said account, and she declined.

She complained to her union representative, Se'Adoreia Brown, President, AFSCME Local 199, who in turn contacted Department Director Inson Kim (Kim). Lurie is unsure of whether Kim was informed about the use of Lurie's personal information, false gender and DOB needed to set up a Google account. Lurie stated that she has been threatened with disciplinary action for insubordination and for not following supervisor's order.

**Relevant Law:**

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1 (g) *Exploitation of official position prohibited*. No person included in the terms defined in Subsection (b) (1) through (6) and (b) (13) shall use or attempt to use his or her official position to secure 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.

**Investigation:**

**Interviews**

**Staci Lurie (Lurie)- Web Publisher, Miami Dade Communications Department**

Lurie met with COE Investigators Nilda Olmo (Olmo) and Breno Penichet (Penichet) on 04/13/16. As per Lurie, on or about 04/04/16, she completed a Quickbase task that was assigned to her by Keith Root. She was asked to upload the documents into a personal Google Drive account.

She told him that she did not feel comfortable using her personal mail account for work- related activity. Lurie also contacted Hinchey via e-mail regarding her concern and suggesting she would not have a problem with using an account “created for her” without using her personal information. She also suggested inputting the documents into Sharepoint.

Sharepoint is the house source for storing and file-sharing. Hinchey’s response was “create a Google account for work”. At that point, Lurie e-mailed Aimee Martinez (Martinez), Assistant Director, MD County Communications. She expressed her concerns and attached e-mails pertaining to the task in question.

Lurie stated that she has been a victim of Identity Theft and her identity has been compromised twice. She did not understand the need to open a personal account, using false information, to store County documents when other options were available. She expressed her concerns to Keith Root, Senior Web Publisher, Hinchey and Martinez.

To her disbelief, Shawn created a personal Google account without her consent. He used a fake DOB and Gender “unknown”. He set up the account using her Employee ID number, initials and her County e-mail address. He also set up the password.

Throughout our interview, Lurie was visibly upset and recalled how her tax information had been compromised because someone used her personal information to file a tax return. The process was time consuming and draining and the violation affected every aspect of her life. Lurie added she had to have all her credit on lock-down.

Lurie agreed that perhaps to someone that has no experience with their identity being compromised, setting up an account with false and/or personal information might be acceptable, but not in her case. She felt the account was not secure and considers it unethical and unacceptable to disregard her concerns and proceed to open an unauthorized personal account. She feels they have secure in-house sources they can utilize, particularly to store County documents.

Feeling strongly about her position and having explained her predicament to no avail, she decided to contact her union representative. She brought forth her concerns and explained her situation.

Consequently, on 04/05/16, Brown, sent Kim an e-mail regarding Lurie's allegations. Lurie mentioned the situation was causing her much anguish and she was concerned with possible retaliatory acts and disciplinary action for insubordination.

**Shawn Hinchey (Hinchey) - Station Manager, MD TV Communications Dept.**

On 04/20/16, Investigator Olmo and COE Advocate Michael Murawski met with Hinchey. He stated that Keith had initiated a request for Lurie to open a Google account and store documents pertaining to their new Web page.

The assignment was a joint project involving numerous Websites for the County. The Web Publishers would input information and store them in a Google Drive account. This has been an ongoing project for approximately 3 to 4 months. He mentioned that, although Sharepoint is their in-house source, it is mostly used for storing. They needed the team to be able to post and share information simultaneously. It also allows them to see who and what the team is posting, thus, making it easier for them to track the process. Another advantage to using the Google account is that it is a free service.

Hinchey mentioned it is customary to create an account with an employee ID, and most of the Web Publishers have no issues creating the Google Account. Since Lurie is not using this system, the alternative means working with her individually, therefore, affecting the timing of the project.

Hinchey mentioned that he opened the account after Lurie e-mailed him stating she did not feel comfortable using her personal information, but would use an account "created for her."

He proceeded to open the account using only the initials "LS", a fictitious DOB and "unknown" as gender. He added that he forwarded the account information along with the password to Lurie. The account has to be accepted by the person in order to be activated.

Hinchey believes it was a miscommunication between Lurie and himself and he never intended to put her in a difficult situation, nor open an account without her consent. The project continues and Lurie is using an alternative way of inputting her documents and information.

**Inson Kim (Kim), Director, MD TV Communications Dept.**

On 04/20/16, this Investigator, Joseph Centorino and Michael Murawski met with Kim.

We informed her that Lurie had contacted COE regarding her supervisor Hinchey opening a Google e-mail account using personal information without her consent to store County documents. According to Kim, after she learned about the incident, she met with the parties involved to discuss the circumstances. She believes the problem stemmed from a miscommunication and misunderstanding between Lurie and Hinchey.

With respect to Hinchey opening the account without Lurie's consent, she believes he opened the account after receiving Lurie's e-mail, stating she would use an account "if it was created for her." Kim added that she feels the situation could have been avoided, but escalated due to the lack of communication. Kim stated that the misunderstanding could have been prevented with a simple conversation. Instead, there was an exchange of numerous e-mails that might have led to the miscommunication and confusion.

A follow up interview was conducted by this Investigator after learning of Assistant County Attorney Oren Rosenthal's meeting with Kim. Kim stated that they are in the process of setting up a meeting with the parties involved in order to come up with a different procedure, while making sure everyone's concerns are met. According to Kim, they are working together on developing a process that would establish alternative options acceptable by all parties. Once the decision has been made and the process is developed, she will contact Rosenthal to make sure it complies with all public records requirements and that he is "good with it".

On 05/13/16, this Investigator contacted Inson Kim. According to Kim, although they are moving forward and establishing a procedure based on Rosenthal's recommendation, no decision regarding Lurie has been made. According to Kim "[They] are waiting [for] the COE's conclusion."

**Oren Rosenthal (Rosenthal), Assistant County Attorney**

Rosenthal was interviewed telephonically. He stated he spoke to Inson Kim, Rosenthal did not go into details as to what was discussed or what he advised his client. Instead, he referred me back to Inson Kim. According to Rosenthal, he is unaware if a decision has been made by Inson.

**Documentation:**

**Emails**

<b>DATE</b>	<b>FROM</b>	<b>TO</b>	<b>DESCRIPTION</b>
04/04/16 9:40 AM	Keith Root	Staci Lurie	Upload documents into a Google Drive.
04/04/16 10:12 AM	Staci Lurie	Keith Root	Needing a google account to upload to Google drive.
04/04/16 10:14 AM	Keith Root	Staci Lurie	Create a Google account.
04/04/16 10:20AM	Staci Lurie	Shawn Hinchey	Do not feel comfortable using personal mail account for work related activity. Would put documents on Sharepoint.
04/04/16 10:34AM	Shawn Hinchey	Staci Lurie	Create a Google account for work.

DATE	FROM	TO	DESCRIPTION
04/04/16 10:59 AM	Staci Lurie	Aimee Martinez	Not feeling comfortable creating an account requiring personal information and used for work. Have Shawn create an account.
04/04/16 10:59AM	Aimee Martinez	Staci Lurie	Will look into account/requirements.
04/04/16 11:01AM	Staci Lurie	Aimee Martinez	E-mail exchange regarding assignment, google account.
04/04/16 11:02 AM	Aimee Martinez	Staci Lurie	Forwarding e-mail exchange.
04/04/16 11:29AM	Aimee Martinez	Staci Lurie	Martinez' observation regarding exchange. Viewed as miscommunication between Lurie and Hinchey.
04/04/16 11:32AM	Staci Lurie	Aimee Martinez	Agreed to send Hinchey an e-mail detailing her position and concerns regarding using her personal information to create account.
04/04/16 11:34 AM	Staci Lurie	Shawn Hinchey	Do not feel comfortable using personal information. Would use account created for her or use Sharepoint.
04/04/16 11:43AM	Shawn Hinchey	Staci Lurie	Inquired as to what personal information was required.
04/04/16 11:43 AM	Staci Lurie	Aimee Martinez	"I give up".
04/04/16 11:50AM	Shawn Hinchey	Staci Lurie	Create your Google Account page with e-mail address, password information.
04/04/16 12:06PM	Staci Lurie	Aimee Martinez	Lurie detailing her identity theft ordeal and use of personal information.
04/04/16 12:15PM	Aimee Martinez	Staci Lurie	Google accounts using employee ID. Issue of miscommunication and misunderstanding between Hinchey and Lurie.
04/05/16 4:35 PM	Se'Adoreia Brown	Inson Kim	Brown inquiring as to office procedures regarding documents shared/stored.
04/06/16 5:19PM	Inson Kim	Se'Adoreia Brown	In response to Brown. Appeared to be a miscommunication and misunderstanding issue between Hinchey and Lurie.
04/08/16 9:21 AM	Staci Lurie	Joseph Centorino	Lurie's follow e-mail regarding original call to Centorino pertaining to Google e-mail account incident.

**Conclusion:**

After discussion with COE Advocate Michael Murawski it was determined that this investigation would be closed with no further action. No ethics violation was identified. The crux of the problem between Lurie and Hinchey seems to have resulted from misunderstanding and miscommunication between the two of them. It was noted that Hinchey presents as somewhat gruff and uncaring as to Lurie's Identity Theft concerns. Ms. Lurie's objection to the use of her personal information for the indicated purposes appears to have been sincere and justified under the circumstances. While Hinchey's managerial style may be abrasive, it is not an ethics issue and should be dealt with by the Department Director as an administrative

matter. Appropriate administrative action should be taken by the Department Director in respect of Ms. Lurie's legitimate concerns.

The Ethics Commission does not serve as a personnel board to resolve personnel matters involving County employees. However, we remind the Department Director and Ms. Lurie's supervisors of the prohibitions against retaliating against an employee who raised legitimate issues and brought those issues to the attention of the Ethics Commission.

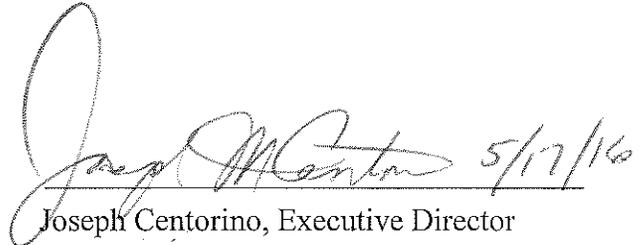


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Nilda Olmo, COE Investigator

Approved by:



\_\_\_\_\_  
Michael Murawski, Advocate



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Joseph Centorino, Executive Director

Date: 5/18/2016