



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

Investigator: Nilda Olmo

Case: PI 16-01	Case Name: Wasson/Hemingway Bay Harbor Islands	Date Opened: 01/04/16	CASE CLOSED Date: <u>2/2/2016</u>
Complainant(s): Anonymous	Subject(s): Town Manager Ronald Wasson Police Chief Sean Hemingway		

Allegation(s):

Information was received by the COE involving a request for proposal (RFP) in the Town of Bay Harbor Islands (BHI) for police tracking equipment. It was alleged that Town Manager Ron Wasson (Wasson) and Police Chief Sean Hemingway (Hemingway) expressed their support to award the contract to VIM Wireless (VIM) who had submitted a bid, along with several other bidders. VIM owner, Jim Scribner (Scribner) also owns a unit in the Coral Sea Towers (CST), a co-op apartment building in which Wasson and Hemingway also own units. The information received included an additional issue regarding the minutes from the 08/10/15 Town Council meeting not being “promptly recorded” as required under the Florida Sunshine Law and did not mention the fact that Wasson and Hemingway own apartment units in the same building as Scribner. This issue presents a possible Citizens’ Bill of Rights violation if the minutes were not approved within a reasonable amount of time.

Relevant Law:

Sunshine Law Violation Sec. 286.011 (2), *Public meetings and records; public inspection; criminal and civil penalties.* The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

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 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; *and*

Citizens’ Bill of Rights Section (A) 4 Minutes and Ordinance Register. The Clerk of the Commission and of each municipal council shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions

listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than 30 days after the conclusion of the meeting.

Investigations:

Interviews

01/07/16 – Doris Murano, Town of Bay Harbor Island, Council Member

This investigator interviewed Ms. Doris Marano (Marano) telephonically on 01-06-16, regarding the VIM Wireless proposal. This item was pulled by Marano when it first appeared on the Consent Agenda on June 8, 2015. She feels the GPS tracking devices are not necessary and costs too much money that can be better spent elsewhere. She mentioned it is common knowledge that Wasson and Hemingway both own units in the same co-op (see item #8).

01/08/16-Marlene Siegel, Town of Bay Harbor Island, Clerk

Mrs. Marlene Siegel (Siegel) was interviewed telephonically and then personally for a follow up. The 08/10/15 minutes were approved on 01/11/16 because they were backed up (See item #3 email dated 01/08/16). She mentioned they were available for viewing though, between 2-3 weeks after the meeting. She does not recall the exact day. Their website has minutes available for viewing between 30-60 days after a meeting. The video can be seen online between 24-48 hrs. after the meeting.

**01/08/16-John Corral, Bay Harbor Island resident
ATT, Mobility Applications Consultant
Industry and Mobility App Solutions**

This investigator met with Mr. John Corral (Corral) along with COE Investigator Breno Penichet. Mr. Corral is a longtime resident and in the past ran for commissioner. He first approached the commission at the June 8th Town meeting regarding police tracking equipment. He felt the VIM proposal of \$53,400.00 was preposterous and the equipment would soon be outdated. He also inquired as to not having seen the RFP and that at a government level they should be working with a higher caliber company.

He volunteered to meet with Wasson and the Police Department. He felt that being an expert in the field he could provide them a cost effective, higher quality alternative. He suggested FleetComplete. The item was pulled.

The item came up for the second time on August 10th and Corral addressed the commission and mentioned he had contacted VIM and identified himself as a BHI resident also in the technology field and wanted to obtain more information about how the support model worked. The person answering VIM's support number identified himself as Jim Scribner and mentioned that he also resided at BHI, Coral Sea Towers.

Corral was busy at the time but gave Scribner his personal number and asked him to call him the following day. Corral mentioned that Wasson as well as Hemingway both own units in the same building. After a discussion between the commissioners, Wasson and Corral regarding the VIM proposal, the item was pulled for re-bid. Anthony Evelina from FleetComplete emailed proposal for \$49,045.00 to Hemingway (see item#5 dated 08/12/15, provided by Corral to this investigator).

01/14/16-Kelly Reid, Town of Bay Harbor Island, Commissioner

Investigators Olmo and Penichet personally met with Ms. Kelly Reid (Reid) and she recalls the discussion regarding the VIM proposal and Corral describing the differences between companies and why FleetComplete offers more and is more cost effective.

The fact that Wasson, Hemingway and Scribner all own units in the same complex is common knowledge but she wanted to know whether it was a coincidence and if Wasson knew one of bidders also lived in the same co-op. He replied that he did.

Reid is a longtime resident of BHI, involved with the community and owns a couple of units in another complex. She is not aware if there was an RFP. Being a former police officer she is in favor of the tracking devices and feels it will benefit everyone.

01/26/16-Ronald Wasson, Town of Bay Harbor Island, Manager

On this day Investigators Olmo and Penichet met with Wasson at his office in BHI. Approximately 4 years ago, two cars from his fleet were stolen although an arrest was made there was no vehicle recovery.

They realized at that time the importance of having tracking devices. Not only for recovery but also for safety reasons and accountability. At that time budget would not permit but approximately 2 years ago funding was available. He met Scribner. He mentioned they both own units in the same co-op, although Scribner only stays there a few months out of the year. He resides in Michigan. Wasson owns a unit but it is not his primary residence. In conversation, Scribner mentioned he owned a company that installs and monitors GPS tracking devices.

They had been toying with the idea and now they had an opportunity to test the device. They decided to start a pilot program testing and monitoring several vehicles using VIM Wireless technology. It was compatible with their IT platform. With positive results they opened it up for bids. VIM was one of four. All four proposals are for a 5 year total.

Trackstar : \$53,400.00
VIM Wireless: \$51,536.00
Network Fleet (Verizon) \$52,489.20
FleetComplete (ATT&T) \$49,045.00

At the June 8th meeting, BHI resident Corral addressed the commission and mentioned they were over paying for a soon to be outdated product and he could provide them with a better alternative. Corral met with Hemingway and Johnson and went before the Commission again on August 10th proposing FleetComplete's technology.

Wasson and the police department reviewed all bids and also looked at the State Contract but it did not offer as much and was a lesser system. The four bids were comparable. At the August 10th meeting Wasson pulled the item for re-bid. No decision has been reached.

01/26/16-Sean Hemingway, Town of Bay Harbor Island Police Chief

Hemingway, although relatively new to the department was very knowledgeable and up to date with all the technology and GPS tracking alternatives. He is a firm believer in having GPS devices in police cars to ensure safety, accountability and overall benefit the entire community.

With an available budget they decided to implement a pilot program and for approximately seven months they have been testing five tracking devices from VIM that allows them to monitor driving habits and can track and report on driving behaviors. All four vendors can track and report driving behaviors that include idling, speed, rapid acceleration, hard cornering and hard braking. VIM and Network Fleet can obtain engine performance information from the vehicle and helps diagnose mechanical issues at no extra cost. Trackstar doesn't offer that ability and FleetComplete will offers the option at an additional cost.

Prior to installing trackers, they had been having problems with three vehicles and were not able to find or diagnose the problem at the dealership. After installing VIM's tracking and monitoring devices, they were able to diagnose and resolve the problem. They have not had a problem with VIM and any issues that came up were dealt with.

Hemingway also looked into the State Contract. It was a "Bullet" all-inclusive package to include cell, lap top, etc. which they did not need. The proposal is for their fleet (40 vehicles) to include Police cars, Code Enforcement and Public works. There are several considerations to take into account pertaining to type of equipment, network speed and the different types of networks (see Memorandum item #6 dated July 7, 2015).

After reviewing and comparing the vendor's entire proposal and the success of the pilot program, Hemingway recommended VIM but is open to reviewing and looking at any other proposal.

01/27/2016-Christine Wheeler, NSEW Solutions and Argotrak

VIM Wireless is a company located in Naples, Florida. A Division of Corporation check revealed two Corporations at the same location as VIM. One was Argotrak and the other NSEW Solutions (see item #7). James Wheeler is listed as owner and registered agent. This investigator telephonically interviewed Mrs. Christine Wheeler regarding the two corporations and relationship to VIM Wireless. She mentioned Wheeler is her husband, owner and tech expert for both corporations and Scribner is his partner. Mr. Wheeler worked on the VIM proposal.

02-01-16-Jim Scribner, VIM Wireless

Scribner was interviewed telephonically and mentioned they implemented the pilot program with BHI police department last year. The system design was exclusively designed for BHI Police Department, free of charge. He believes his clients have the right to try, test and evaluate the devices before they purchase. VIM Wireless is located in Naples, Florida, but Scribner also has another Company, Global Vehicle Technologies in Michigan. He has been in the technology field since 1990. He develops software as well.

His primary residence is in Michigan but purchased a unit at Coral Sea Towers from his wife's godmother's estate. He does know Wasson and Hemingway since they also own units in the same complex. He met several times with the Police Department during the pilot period. Upon completion, he put in his bid.

Documents/Video Review:

1. Videos- Relevant portions of the Town Council Meetings were reviewed:
06/08/15: VIM Proposal first appeared on the Consent Agenda. Corral commented on proposals regarding licensing, modules being outdated and would not work on older vehicle. Cost being preposterous. Volunteered to provide additional information. Wasson mentioned there were three bids but he was interested in his suggestions/recommendation and would meet with him. Item pulled.
08/10/15: Corral met with Police Dept. several times. Suggested a Neutral, National company. He brought in an offer and they spoke to Curtis. He was concerned because there was no RFP. Curtis mentioned that they had been tracking vehicles. Corral had contacted VIM identifying himself as a BHI resident with a support issue. Scribner mentioned he also was a resident at BHI, Coral Sea Towers. Marano objected to locator system because of cost. Reid brought up that Scribner, Wasson and Hemingway are all living in the same co-op. Wasson mentioned he did know Scribner lived in co-op but it was an open bid and he put in a bid just like everyone else. After a lengthy discussion between commissioners, Wasson and Corral, they decided to pull item for re-bid.
2. Agenda and Minutes – 07/08/15, 08/10/15 and 01/11/16.
3. E-mail from Siegel dated 01/08/16 stating they are backed up and that the 8/10/15 minutes are on the 01/11/16 agenda for approval.
4. Proposals for GPS Police Tracking.
5. E-mail from Anthony Evelina (Fleetcomplete) to Hemingway dated 08/12/15.
6. Police Department Memorandum, Dated July 7, 2015.
7. Florida Department of State Division of Corporation.
8. Miami Dade-Property Appraiser: BHI, Coral Sea Towers.

Conclusion:

No conflict of interest is identified merely because Scribner, Wasson and Hemingway all own apartments in the same co-op. There was no business or financial relationship identified among Wasson, Hemingway and Scribner that would preclude Scribner from serving as a vendor to the town. No other violations of the Conflict of Interest and Code of Ethics were identified. The Town Clerk is reminded that section (A) (4) of the Citizens' Bill of Rights provides that "Written minutes of all meetings and the ordinance register shall be available for public inspection not later than 30 days after the conclusion of the meeting." This matter should be closed with no further action except the investigator should monitor the availability of minutes over the next six months to assure compliance with the Citizens' Bill of Rights.

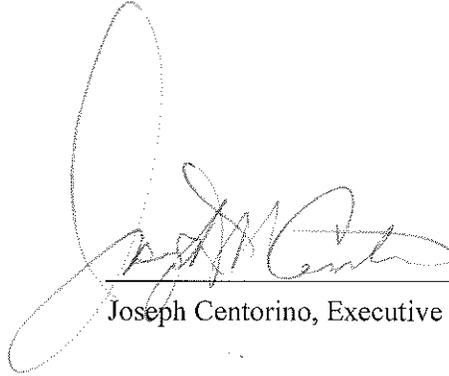


Nilda Olmo, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

Date Closed: 2/2/16