



Miami-Dade Commission on Ethics & Public Trust

Preliminary Inquiry Report

Investigator: Breno Penichet

Case PI16-15	Case Name: Public Records Request	Date Open: April 14, 2016	CASE CLOSED
Complainant(s): Edeline Lyla	Subject(s): City of North Miami	Date: <u>9/12/2016</u>	

Allegation(s):

Complainant alleges the City of North Miami Clerk's Office took an unusually long period of time to produce the public records she requested. Complainant also alleged the City may have violated Florida Law when it failed to provide two employees file for review by the public.

Relevant Ordinances:

Possible Violation of Florida State Statue Chapter 119 Public Records Law and/or Citizens' Bill of Rights, Section (A)3.

Investigation:

Interviews

COE investigator Penichet reviewed the information received along with documents provided by the complainant Ms. Edeline Lyla (Lyla). In reviewing the information provided COE investigators found the following:

Lyla's original request was as follows;

“Provide for review / inspection the applications for the position of Assistant Personnel Administration manager and /or Assistant Personnel Administration Director. Also provide all recruitment documents, including but not limited to applications, job announcements and /or job posting(s), job description, interview panel, interview notes, selection process and et cetera for Assistant Personnel Administration manager / Assistant Personnel Administration Director. Provide for review/inspection any/all communications, e.g. emails recordings, notes, documents etc. regarding the position of Assistant Personnel Administration manager/Assistant Personnel Administration Director. Provide for review/inspection any/all communications regarding candidates for the position of Assistant Personnel Administration manager / Assistant Personnel Administration Director. The request was made on December 23, 2015.

According to Lyla the request was completed by the City of North Miami, four months after her request, on April 11, 2016. According to Lyla the City provided an invoice dated January 08, 2016 and charged \$31.05 to fulfill the request.

According to Lyla her request was a simple one and if the City believed any of the documents she had requested were exempt from public record, they did not advise her with specificity the reason for the exemption

Edeline Lyla

Ms. Edeline Lyla (Lyla) the complainant was contacted on the telephone. Lyla voluntarily provided information concerning this investigation. Lyla advised that she filed a public records request with the City of North Miami Personnel Administration on 12/23/2015, in order to obtain records regarding the process to hire the new Assistant Personnel Administration manager.

Lyla further advised that after she sent the request she had to contact the City on several occasions before she received the records. Lyla advised that she felt the process took too long for the records she requested to be made available.

Lyla made an appointment to meet with this Investigator to discuss the matter further, but she failed to keep the appointment.

*Lyla contacted this Investigator and advised that after she reviewed all the paperwork provided by the City of North Miami it appears that all the information (documents) requested. were provided.

Brenda Lee

City of North Miami
Office of Personnel Administration

Ms. Brenda Lee (Lee) was contacted and advised that all the records requested were provided as soon as possible. Lee advised that some of the documents requested had to be found and then copied that is why there was a delay. Lee further stated Lyla was advised of the progress and the time frame.

Attached are emails regarding the public records request to the City of North Miami

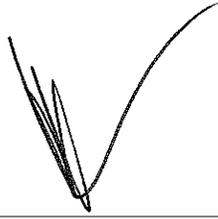
1. E-mail dated 04/11/2016 by Edeline Lyla to City of North Miami Officials, advising the receipt of the records, and information into what was found as a result of the search.
2. Invoice dated 01/08/2016 to Edeline Lyla, from City of North Miami Personnel Administration, for research and coping of Public Records.
3. Copy of Public Records provided to Edeline Lyla to City of North Miami.

Conclusion(s):

As a result of the interviews, and the review of the documents provided by the City, it appears the documents requested were provided. There is no proof that the administration tried to hold back any documents. The City records custodian acknowledged the request took longer than usual. The City has a legal responsibility to provide responses to all public records requests in a timely manner. In the end Lyla was satisfied that all the records requested were provided.

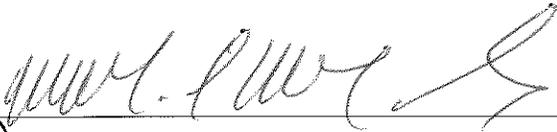
Advocate Michael Murawski advised that no further action would be taken accordingly; it is recommended that the above case be closed.

(Signature)

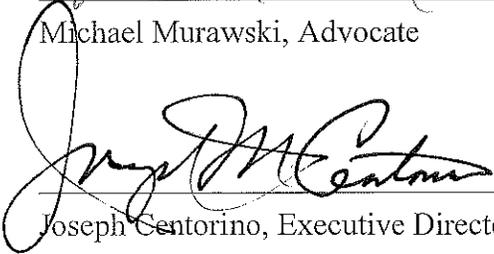


Breno Penichet, COE Investigator

Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director

9/12/16

Date Closed