



MIAMI-DADE
COMMISSION ON ETHICS & PUBLIC TRUST

APPROVED

LETTER OF REPRIMAND

TO: Mallika Muthiah, Chief of Air Quality Management
Department of Regulatory and Economic Resources

FROM: Miami-Dade County Commission on Ethics and Public Trust

Re: Ethics Complaint C16-08 (Blaha v. Muthiah)

DATE: August, 2016

2016 AUG 25 AM 11:31
OFFICE OF THE BOARD

On July 13, 2016, the Miami-Dade County Commission on Ethics and Public Trust accepted Respondent's plea of No Contest to a charge of violating Section 2-11.1(g) of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance, entitled "Exploitation of official position prohibited."

WHEREFORE, The Miami-Dade County Commission on Ethics and Public Trust hereby issues this LETTER OF REPRIMAND to Mallika Muthiah.

In December 2015, Muthiah approached one of her subordinate employees, Richard Penuela and asked him to help prepare her son's wedding invitation by finding pictures of peacocks and looking at photos of her son and some friends.

Penuela ultimately spent between three (3) to four (4) hours during his County work hours, using County equipment to work on Muthiah's project for her son's wedding invitation. Muthiah also approached another one of her subordinate employees, Sean Tracey and asked if he could help with formatting her son's wedding invitations.

Tracey, who was a probationary employee at the time, told the Ethics Commission that he agreed to work on Muthiah's project because he was still on probation at the time and wanted to please the boss. Tracey said that he started doing formatting work and spent a total of about one (1) hour during his County work hours working on it with County equipment. Tracey told Muthiah that he would take the work home because he could not finish it in the office, and would e-mail it to her when he finished it. Tracey said that he worked on the project for about an additional one (1) hour at home.

Relevant Ordinance

Section 2-11.1(g) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance states, in part:

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.

Ms. Muthiah's conduct in having her employees perform personal work for her was inappropriate, particularly from a departmental supervisor. A request from a supervisor to an employee to perform personal, non-work related tasks is inherently coercive toward the employee. Indeed, one of Ms. Muthiah's employees stated that he felt like he had to comply with Muthiah's request because he was a probationary employee and was afraid to displease his boss. Government employees are paid for their work by taxpayers; in return they are expected to conduct the public's business. Imposing personal tasks on public employees, while they are being paid to perform public work, wastes public resources, diminishes the public's faith in government and violates the public trust. Any effort to advance a personal interest through one's official position is a violation of that trust.

This Commission is of the strong belief that all public officials are responsible for maintaining a standard of ethics that is above reproach and maintaining the trust of those they

serve. To her credit, Ms. Muthiah acknowledged that she should not have asked her subordinates to do her personal work.

This Commission expects that Ms. Muthiah will realize the serious nature of her ethical lapse and use this public letter of reprimand to guide her future behavior.

