

MEMORANDUM

To: Michael P. Murawski, Advocate

From: Arthur D. Skinner, Investigator

Re: K05-001, William Pupo, Administrative Officer III

Date: March 2, 2005

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Recommendation:

None

Background:

On December 21, 2004, the Miami-Dade County Office of the Inspector General forwarded a complaint that was received via their website concerning an alleged abuse of official position by Miami-Dade County Housing Authority (MDHA) Administrative Officer III William Pupo.

The complainant, Dale Baker stated he was a member of the MDHA Resident Advisory Board (RAB). He stated that he and Alternate RAB member Calvin Reed were not allowed to attend a scheduled RAB meeting on November 19, 2004. Baker claimed that Pupo had instructed MDHA Secretary Dawn Assam not to allow Baker access to Pupo's office where he was meeting with RAB President Belkys Rodriguez and RAB Vice President Patricia Stripling, and had place a security guard in Assam's office to prevent them from interrupting the meeting.

The Miami-Dade County Housing Authority (MDHA) Resident Advisory Board (RAB) is a board created by the MDHA and is required by the Federal HUD as part of the Quality Housing and Work Responsibility Act of 1998. In order to qualify funding from the HUD the MDHA must have an annual plan, which also serves as the annual application for government grants. The HUD requires that RAB be included in this process, to make comments and suggestions as a part of the annual plan. The RAB is advisory board acting at the behest of the MDHA and therefore is subject to the Sunshine Law.

Investigation:

William Pupo, RAB President Belkys Rodriguez, and RAB Vice-President Patricia Stripling stated that the scheduled meeting was cancelled because the RAB did not have quorum. Pupo, Rodriguez, and Stripling admit to meeting in Pupo's office on the fourth floor of the MDHA building 2153 Coral Way, Miami, Florida on November 19, 2004. Pupo, Rodriguez, and Stripling stated they made telephone calls attempting to contact other members of the RAB in an attempt to hold the scheduled meeting. When they failed to reach any other RAB members they discussed a date for the next board meeting. Pupo and Rodriguez deny discussing any RAB business during this meeting.

Stripling controverts Pupo and Rodriguez's statements, stating that there was discussion about plans to remove Baker and Reed from the RAB. Stripling knew that Baker was present in the MDHA building at the time of the scheduled

board meeting. Stripling stated that she didn't think that a quorum for the November 19, 2005 meeting included Baker since they intended to vote him off the RAB. Stripling stated that she has had telephone conversations with Rodriguez about removing Baker and Reed from the RAB. Stripling stated that Baker was aware of the plan to remove him from the RAB, because she observed him reading the proposed letter of dismissal that she had left on the desk on the RAB office on November 19, 2004.

A public records request was made to Pupo for the RAB minutes and meeting sign in sheets. Pupo stated that he did not have minutes or time sheets for the period prior to his being assigned as the MDHA liaison to the RAB in November 2004. Pupo stated the records may have been misplaced when the MDHA closed the RAB office and moved the RAB files to another area.

Former MDHA Administrative Officer II Dina Vascos was the liaison, organizer, and administrator of the RAB since its inception in 2001 until April 2004, because of illness she was temporarily replaced by her supervisor Sandra Walker. Vascos said that she was aware that the RAB members were upset that Baker was writing letters complaining about the MDHA and RAB. Vascos stated that the RAB never discussed removing Baker from the RAB at any meeting she attended.

MDHA Administrative Office III Sandra Walker was the supervisor of Vascos. Walker stated she attended meetings of the RAB whenever Vascos was

unable to attend a meeting. Walker held this position until November 2004 when Pupo replaced her. Walker said the matter of removing Baker from the RAB was not discussed at any RAB meeting that she attended. In November 2004 Walker was instructed by Assistant Director Torano to write letters notifying Baker and Reed they had been voted off the RAB. Walker stated she did not write the letters since it had not been voted upon by the RAB.

A meeting of the RAB was held on December 16, 2004, where Baker and Reed were subsequently voted off the board.

On January 21, 2005, a meeting of the RAB was held where Baker and Reed were permitted five minutes each to address the RAB. Baker stated that he was excluded from the meeting prior to addressing the RAB, and was told to leave after he had finished his presentation. MDHA Assistant Director Susanne Torano stated that she thought RAB meeting were not open to the public. She explained that the RAB was discussing board business and since Baker and Reed were no longer members of the board the board decided to have them wait outside the meeting room until the RAB was ready to hear their presentations. Pupo stated that the RAB was independent of the MDHA and the MDHA had no control over the actions of the RAB.

Analysis:

This matter does not appear to be a violation of the Miami-Dade County Ethics Ordinance.

The investigation revealed various other issues that should be addressed:

“The Sunshine law (Sec. [286.011 F.S.](#)) requires that 1) meetings of boards or commissions must be open to the public; 2) reasonable notice of such meetings must be given, and 3) minutes of the meeting must be taken. “

William Pupo, Belkys Rodriguez, Patricia Stripling

On November 19, 2004, Pupo, Rodriguez, and Stripling violated the Sunshine Law by holding a meeting in Pupo's office and discussing the removal of Baker and Reed from the RAB. The removal of Baker and Reed was voted upon by the RAB at the December 16, 2004 meeting.

William Pupo, Belkys Rodríguez, Patricia Stripling, Alberto Hurtado (RAB Secretary), Elsa Flores (RAB Member), Bobbie Price (RAB Member)

On January 21, 2005, a meeting of the RAB was held at the MDHA building on 2153 Coral Way, Miami, Florida. The RAB members excluded Reed and Baker from the meeting after asking the advice of Pupo. Reed and Baker were allowed in the meeting room for five minutes each and told to excuse themselves from the meeting upon finishing their presentations. COE Investigators advised Pupo that the RAB meetings were public during an interview on January 14, 2005. Present during this interview was Pupo's supervisor, Special Projects Administrator Maria De La Rosa.

At the January 21, 2005 meeting there were three MDHA Staff present Pupo, De La Rosa, and Assistant Director Susanne Torano. Pupo stated to COE

Investigator's that the RAB is an independent board and he had no power to prevent them from excluding Baker and Reed from the meeting. Pupo did not advise the RAB that this was a Sunshine Law violation. Torano told COE Investigator's that she did not know this was a public meeting. As an Assistant Director Torano should know that the RAB meeting was open to the public. De La Rosa told COE Investigator's that she is aware that the meeting was public, but was late for the meeting and was not present when the RAB members voted to exclude Baker and Reed from the meeting.

Dale Baker

Baker may have violated the public records law by not keeping minutes of the meetings since his election. Baker said he has the minutes of the meeting at his residence, but to date has not given us the records. Rodriguez and Stripling have told COE Investigator's that Baker has ignored repeated requests to produce the minutes of past RAB meetings.

There are other issues that I don't know if we want to note:

The MDHA fails to follow the HUD regulations (CFR's).

Termination letters of Baker and Reed quote sections of the RAB by-laws that were not approved.

The proposed meeting of November 19, 2004, there was a quorum. Pupo, Stripling, and Rodriguez decided to ignore the fact that Baker a voting member of the board was available for the meeting. Stripling stated that they didn't

want him to attend because he would vote against his removal.

The people interviewed claim they never received training on the management of a board. The letter and comments by members of the RAB and staff indicate that most of the participants understand the concept.