

OFFICE OF THE INDEPENDENT ADVOCATE
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
REPORT OF INVESTIGATION

K #: 07-083

Date Opened: June 28, 2007

Date Closed: July 31, 2007

Name of investigator: Arthur D. Skinner
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Allegation:

This investigation was predicated upon the receipt of information from the City Manager of South Miami, that Commissioner Velma Palmer, instructed her to remove Adrian Ellis from the city vendor list.

Section 2-11.1 of the Code of Miami-Dade County, the County's Conflict of Interest and Code of Ethics Ordinance. (g) Exploitation of official position prohibited. No person included in the terms defined in Subsections (b)(1) through (6) shall use or attempt to use his official position to secure special privileges or exemptions for himself 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:

On July 27, 2007, Investigator Arthur Skinner interviewed City of South Miami, Parks & Recreation, Director Cesar Garcia at City Hall, 6130 Sunset Drive, South Miami, FL 33143, Tel: (305) 668-7231, Email: CGarcia@cityofsouthmiami.net. Present during the interview was South Miami City Attorney Eve A. Boutsis (305)854-5353, Email: eboutsis@ngf-law.com.

Attorney Boutsis explained that Commissioner Velma Palmer asked manager to preclude Mr. Adrian Ellis from selling drinks in the city park for park for a nonprofit

organization, because an unnamed resident told her that he was selling alcohol at the community center.

Garcia stated that the City Manager Yvonne S. McKinley advised him about commissioner Palmer's concerns. Garcia said he had never observed Ellis selling alcoholic beverages. Since being told about the activity Garcia said he closely monitored Ellis' concession, and didn't observe any illegal activity. Garcia stated that Ellis is a volunteer coach for the city football team. Ellis runs the concession at city events to get money for the football and cheerleader programs. Ellis is unpaid and the only money used for the concession is to purchase replacement supplies the remainder of the profits go into the programs.

During the Christmas season it is customary for the Parks and Recreation Department to organize a volunteer toy drive for the needy children of the City of South Miami. Commissioner Palmer asked Garcia to give her 50 toys that she wanted to distribute to the needy children. Garcia later found out that the toys didn't go to local children living in the City. Palmer had given the toys to the children in her class at a grade school located in Miami Beach.

Boutsis stated that there is no regulation preventing Palmer from taking the toys and distributing them outside of South Miami. Palmer was the only city commissioner that asked for toys to distribute. The other commissioners and the mayor submitted a few names of children they wanted to distribute toys. All the names submitted by Palmer's fellow commissioners were children that resided within the city.

On July 27, 2007, Investigator Arthur Skinner interviewed City of South Miami, City Manager Yvonne S. McKinley at City Hall, 6130 Sunset Drive, South Miami, FL 33143, Tel: (305) 668-2510, Email: YMckinley@cityofsouthmiami.net. Present during the interview was South Miami City Attorney Eve A. Boutsis (305)854-5353, Email: eboutsis@ngf-law.com.

McKinley stated she had three matters about Commissioner Palmer that she wanted to bring to our attention; (1) the theft of the Christmas toys by Palmer that she distributed to her grade school children in Miami Beach. (2) An incident with a city employee Grant Writer Carol Auburn. Palmer tried to get her to write a grant for her church (June 2007). (3) On June 20, 2007, Commissioner Palmer complained to the City Manager about Adrian Ellis selling alcohol at city events run by the Parks and Recreation Department.

Palmer requested that McKinley investigate the matter. McKinley looked into the matter and concluded that without additional evidence or witnesses the allegation was unsubstantiated. McKinley said that Palmer refused to disclose the source of her information.

Boutsis stated that Palmer contacted her shortly after her meeting with the City Manager requesting that she call the other commissioners and schedule an emergency commission meeting to fire the City Manager. Boutsis told Palmer that she would have to put the matter on a resolution for a regularly scheduled city commission meeting. Palmer was eventually referred to Assistant City Manager W. Ajibola Balogun, who assisted her with placing the resolution on the agenda for July 24, 2007.

On July 27, 2007, Investigator Arthur Skinner interviewed City of South Miami, Assistant City Manager W. Ajibola Balogun at City Hall, 6130 Sunset Drive, South Miami, FL 33143, Tel: (305) 663-6318 / (305) 663-6350, Email:

ABalogun@cityofsouthmiami.net. Present during the interview was South Miami City Attorney Eve A. Boutsis (305)854-5353, Email: eboutsis@ngf-law.com.

Balogun stated that McKinley referred Palmer to him so he could assist her in drafting a resolution to fire the City Manager. Palmer was aggravated that Balogun insisted placing the cost of removing the City Manager from her office. In South Miami the agenda's specify the cost of the legislation and the amount remaining in the account to

remind the commission that if the cost exceeded the money in the account they have to get the money elsewhere in the budget.

CONCLUSION: