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## Miami-Dade County Commission on Ethics and Public Trust

# Memo

**To:** File

**From:** Michael Murawski

**Date:** September 2, 2008

**Re:** K08-051 Reaette King-Kee

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This memo will serve to summarize COE's findings to date and to further define the scope of this inquiry regarding Ms. King-Kee's (King-Kee) involvement in the management of a family-run establishment, the Tropicana Bar (the Tropicana) in Liberty City. Ms. King-Kee is a Librarian III employed by the Miami-Dade Public Library System (MDPLS). She works as a manager at the Opa-locka branch of the Miami-Dade County Public Library System (MDPLS).

**Background:** On May 22, 2008, the Office of the Inspector General (OIG) referred a copy of its investigative findings to COE for review concerning King-Kee's alleged outside employment and possible exploitation of her official position by conducting private business during County time.

The OIG conducted a 10-month investigation and determined that King-Kee is an officer in **King Tyson Inc.**, the company operating the Tropicana and that she directly oversees many of its day-to-day affairs, such as scheduling deliveries, paying suppliers and keeping the books. King-Kee maintains that such activities do not conflict with her official MDPLS duties. The OIG report contradicted King-Kee on this point, alleging she was "not candid or truthful" about the extent of her involvement in the family business.

The OIG report provides ample evidence that King-Kee routinely conducted business on behalf of her family and that in many instances this occurred during her regular County hours. This was further supported by a COE review of King-Kee's bank records indicating that numerous deposits were made into her account during her regular working hours. These deposits coincided with deposits made into **King Tyson's** corporate account.

Nonetheless, the focus of COE has been to determine whether such activities constitute outside employment, despite King-Kee's past insistence that she does not receive any income from the Tropicana and is therefore not subject to the Miami-Dade ethics ordinance provisions regarding outside employment.

**Findings:** COE interviewed **MDPLS Director Raymond Santiago** on June 10, 2008.

Mr. Santiago advised he contacted OIG after receiving tips from King-Kee's co-workers that she was allegedly leaving under false pretenses to conduct private business relating to the family bar. He said he considered her conduct, as documented in the OIG report, to be an abuse of her authority and requested further guidance as to whether her behavior violated the county's ethics rules. On that same date, Mr. Santiago provided COE with a copy of the his department's ethics training log, showing King-Kee received such training on Oct. 10, 2006. He also communicated that MDPLS included reminders about outside employment in official announcements to its librarians on at least 12 occasions dating back to December 2005. He said King-Kee would have been privy to these reminders. Mr. Santiago also confirmed that, as of that date, neither he nor anybody on his staff had received any requests for outside employment from King-Kee.

On July 3, 2008, COE received documents from MDPLS indicating King-Kee did request outside employment at King Tyson Inc./ the Tropicana on June 19, 2008. This request was submitted 10 days after COE first contacted King-Kee regarding this matter.

The request for outside employment was signed by Barbara Smith, King-Kee's immediate supervisor, as well as by Mr. Santiago, as departmental director. In her request form, King-Kee states her activities would be limited to Fridays and Sundays, her days off. On June 30, 2008, King-Kee also submitted an outside employment statement for calendar year 2007 in which she described herself as an "officer" and "bookkeeper" for King Tyson Inc. She further indicated she received no income as a result of this outside employment at Tropicana/King Tyson.

On July 10, 2008, King-Kee was interviewed at COE offices along with a union representative, Mr. Rick Cutshaw of the Government Supervisors Association of Florida/OPEIU Local 100. King-Kee advised that she was attempting to comply with the ethics requirements for outside employment, which she acknowledged by submitting the forms requesting such authorization. She confirmed that she had

received prior ethics training and e-mail reminders from MDPLS management, but she described those e-mails as “confused.” She said that in the past, she had asked her DPR whether she needed to request permission for outside employment, but was advised by the DPR she did not because she did not earn any income. She said she did not see any reason to pursue the matter further.

Note: On Aug. 21, COE interviewed **Ms. Martha Sanchez** of MDPLS, who advised she has been King-Kee’s DPR since 2001. She said that during this time she has met with King-Kee to discuss other issues, but at no point does she recall having been consulted regarding outside employment. She said that, “in fairness,” she wanted to add that she is regularly queried by departmental employees and can not recall every such consultation. Sanchez said that, previously, it was her understanding it was not necessary to file for outside employment if no income was earned as a result, based on a memo from former County Manager Steve Shiver.<sup>1</sup>

King-Kee acknowledged during her interview that she did prepare bank deposits for the Tropicana and that she occasionally makes deposits at the City National branch office at NW 135<sup>th</sup> Street. She said she tries to make these deposits before 9 a.m., but that on days when the line is long she has remained in line past 9 a.m., her official start time at the Opa-locka branch library. It was noted that many of the deposits were made well after 9 a.m. and not during regular lunch hours, to which she responded by suggesting that some other family members might have made said deposits. She also acknowledged dealing with the company’s vendors and distributors but maintained that such contacts were limited to personal time. She further contended she had taken leave on the date of the surveillance photos included in the OIG report – Saturday April 14, 2007, and Monday July 30, 2007.

Note: COE later confirmed that King-Kee did take administrative leave on July 30, 2007, but was working her regular schedule on April 14 of that year, according to an e-mail from **Leo Gomez**, MDPLS support services administrator.

During the interview, King-Kee was asked to explain the \$11,180 in cash deposits she made to her personal account at City National that had been flagged by OIG investigators and confirmed by COE. These seemingly irregular deposits – from February 2005 to April 2007 – were separate from her regular County salary, which was deposited electronically into her account. The deposits were not made at regular intervals, and usually consisted of a round number in the hundreds of dollars. She advised that the funds were derived from a nephew who lives at a house in Richmond Heights she inherited from her father. She said she began making payments for the nephew – a teacher at Miami-Dade Public Schools – when he graduated from college on or about 1999 and that she has been making payments for him ever since. She said her nephew, age 35, makes only sporadic payments to

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<sup>1</sup> It should be noted that the May 2001 Shiver memo referred to defines “outside employment” as “ the providing of services or capital, other than to Miami-Dade County, *with the intent of earning a profit or income*, including, but not limited to, being an employee, independent contractor, an agent or by self-employment. (emphasis added)

her and that she pays the mortgage of \$507 a month. She said that she continues to make the mortgage payments for her nephew, despite his irregular history of reimbursements, as a family obligation. King-Kee insisted that none of the funds deposited into her account were from the Tropicana.

On Aug. 1, 2008, King-Kee responded to a request for additional information by providing a copy of a statement from Countrywide Home Loans in the name of her nephew for the property in question, and showing a monthly payment of \$505.57. King-Kee provided additional documentation showing that she paid Miami-Dade County taxes on the property in 2006 in the amount of \$1,385.27, and that she made payments on the mortgage in 2005, 2006 and 2007. Those payments were made from a Dade County Federal Credit Union account King-Kee holds jointly with her sister and nephew.

Efforts to reach King-Kee's nephew have thus far proven unsuccessful, as he did not return phone calls to his home in early August. It was confirmed on Aug. 20, 2008, that he is a third-grade teacher at Rainbow Elementary School. Documents reviewed on the Miami-Dade County Recorder's Office show that King-Kee and her sister did file a quit claim deed on May 14, 1999, leaving the property to the nephew. Records show he subsequently took out at least two mortgages on the property – in 1999 and 2004. Another record shows he was evicted from a rental unit at Sunshine Lakes Condominium, 10930 NW 14<sup>th</sup> Ave., in October 2006.

**Conclusion:** Since the onset of this investigation, King-Kee has acknowledged that she has an active role in the Tropicana and that her responsibilities have increased in recent years because of her brother's poor health. She has also acknowledged that, in some instances, these duties have conflicted with her regularly scheduled hours as a MDPLS branch manager.

By submitting a request for outside employment to her superiors at MDPLS, she has further demonstrated a willingness to comply with the county's ethics guidelines. The only question that remains unanswered is whether she accurately filled out her 2007 outside employment statement. King-Kee did provide requested documentation showing that she makes regular mortgage payments on the home in Richmond Heights on behalf of her nephew. The sum of the cash deposits into her account over a two-year period is roughly equivalent to the mortgage payments made during that period. Given her nephew's financial difficulties evidenced in the public record – an eviction in 2006 and multiple child support enforcement actions – her claim she made the payments to ensure the property remained in the family seems plausible. Taking into consideration that King-Kee would not be prohibited from receiving income from the family business, further investigation and/or the filing of an ethics complaint does not seem necessary.

It should be further noted, however, that the COE definition of “outside employment” based on prior cases, is somewhat more expansive than the definition from former County Manager Shiver’s 2001 memo (County Manager Burgess adopted the definition of “outside employment” in his June 13, 2003 memo)

Under COE analysis, “outside employment” would include those instances where an individual acts “with intent of earning a profit or income” whether or not the intent is to earn income or profit for themselves or for another person.

In complaint C03-18, the Ethics Commission held that where a County employee acted as marketing agent for his wife’s home based business, assisted in the production of the product by picking up supplies and cutting tile, delivered finished product to purchasers and assisted with billing and other administrative paperwork and benefited financially because profit from the business was deposited in his and his wife’s joint bank account, the employee was engaged in outside employment that required disclosure.<sup>2</sup>

Thus, we can conclude that King-Kee was engaged in outside employment by assisting with the bookkeeping and dealing with vendors purchase and sale orders of the Tropicana Bar. King-Kee has obtained outside employment authorization and should continue to file the required disclosures even if she takes no income from the employment. Obviously, King-Kee should refrain from conducting her outside employment on County time however, violations infringing on time worked hours are more appropriately addressed as a personnel matter rather than through an ethics complaint.

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<sup>2</sup> The employee in that case maintained that it was his “wife’s business” and that therefore he was not required to have permission for or report outside employment. The Ethics Commission rejected that contention finding that Respondent “was doing all the things consistent with being an active part of the tile business.”