

OFFICE OF THE INDEPENDENT ADVOCATE
REPORT OF INVESTIGATION

C/N K10-129

Date Opened: September 8, 2010 Date Closed: September 16, 2010

Name of investigator: Kennedy Rosario
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Allegation:

An electronic communication was received from Ms. Yaniris Diaz alleging a current South Florida Workforce (SFW) supervisor, David Gilbert (Gilbert), is engaged in “unprofessional behavior”. Diaz states that she was “told he (Gilbert) asks DCF food stamp female clients for sexual favors in exchange for removal of sanctions”. Such alleged behavior, if proven, may constitute a violation of the Miami-Dade Code of Ethics ordinance, specifically exploitation of official position.

Investigation:

In 1998 the federal Workforce Investment Act (WIA) was created as a comprehensive reform legislation to affect the federal job training programs and to create a complete workforce investment system. Under the WIA each state is mandated to create a State Workforce Investment Board (SWIB).....via a 2000 legislation, Florida created Workforce Florida, Inc. to monitor and oversee the administration of the state/federal workforce policy.....Florida was divided into 24 governing regions....each region is entrusted to administer state and federal WIA policies.

Miami-Dade County and Monroe County comprise Region #23, the South Florida Workforce region.

Under an inter-local agreement between Miami-Dade and Monroe County, Miami-Dade is primarily entrusted with administering the WIA.....South Florida Workforce is, by all accounts, a Miami-Dade County agency.

SFW has twelve (12) Career Center locations; the center in question is the Homestead Career Center, 140 NE 8 Street Homestead Fl. 33030.

These centers are “operated and managed” by various entities.

The Homestead center (and six others) is operated and managed by Youth Co-Op, Inc. (YCI), a non profit.

Gilbert is an employee of Youth Co-Op, Inc.

The Director of Youth Co-Op, Inc is Maria Rodriguez.

Shortly after receiving the electronic communication, the COE spoke with Ms. Diaz who reiterated her complaint, most of which has to do with the availability and location of a fax machine utilized by Center clients, of which the COE will take no action.

Ms. Diaz was asked in regards to that portion of her complaint, to wit: “I was told he (Gilbert) asks DCF food stamp female clients for sexual favors in exchange for the removal of sanctions”. Diaz, citing possible employer retaliation, would not divulge the name (s) of the person(s) that told her about Gilbert. Diaz further stated that she was not an actual witness to the alleged “unprofessional behavior”.

The COE also contacted Ms. Rodriguez who was well aware of the Diaz complaint. Rodriguez stated that YCI investigated the Gilbert issue, finding that the complaint was “not sustained”.

Rodriguez’ written response to the Diaz allegation has been incorporated in this investigative report as attachment A.

The question of COE jurisdiction surfaced;

The COE spoke with Miami-Dade Assistant County Attorney Peter Tell whom stated that “in my humble opinion” YCI employees are not “anywhere close” to being County employees.

The COE also spoke with DPM Director Miriam Singer who advised that YCI is probably a Community Based Organization and suggested conferring with Daniel Wall, Director Miami-Dade County Office of Grant Coordination (OGC).

Wall supplied the COE with the contract/agreement between the County and YCI, under Article 13 of said agreement it stipulates:

Both parties agree that this Agreement recognizes the autonomy of the contracting parties and implies no affiliation between the contracting parties. It is expressly understood and intended that the Provider is only a recipient of funding support and is not an agent or instrumentality of the County. Furthermore, the Provider's agents and employees **are not agents or employees of the County.**

CONCLUSION:

The Diaz complaint/allegations are well known to all parties including the Miami-Dade County South Florida Workforce Executive Director Rick Beasley.

While this investigation endeavored to determine the veracity of the complainant's allegation it appears that the COE has no jurisdiction over Youth Co-Op, Inc.