



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Breno Penichet

Case No.: K13-116	Case Name: Youth Crime Task Force	Date Open:	CASE CLOSED Date: <u>8/1/14</u>
Complainant(s): Alphermelia "Pam" Martin	Subject(s): YCTF Committee Members	Sept. 11, 2013	

Allegation(s):

The (COE) received a request from Alphermelia Martin (Martin), Special Projects Administrator, Office of Management and Budget (OMB) for Miami-Dade County requesting assistance concerning clarification on possible conflict of interest by board members that are currently serving on the Youth Crime Task Force (YCTF) who are employed by Community Based Organizations (CBOs) that receive funds administered by the OMB.

Relevant Ordinances:

Miami Dade County Conflict of Interest and Code of Ethics Ordinance

Sec 2-11.1 (m)(2)

“No person included in the terms defined in subsections (b)(2), (3) and (4) [autonomous personnel, quasi-judicial personnel, and advisory personnel] shall appear before the County board or agency on which he or she serves, either directly or through an associate, and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person...”

Sec. 2-11.1(v)

“*Voting Conflicts.* Members of Advisory and Quasi-Judicial Boards. NO person included in the terms defined in subsections (b)(3) (quasi-judicial personnel) and (b)(4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of

counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor.”

Investigation:

Martin advised that she received an e-mail from Thema Campbell (Campbell) who is the President/ CEO of World Literacy of FL, Inc. d/b/a Girl Power (Girl Power). Girl Power is a CBO. Campbell is a member of the YCTF and her CBO receives Miami-Dade County (MDC) funds.

The subject of the e-mail was a request from Campbell to Martin to forward Campbell's concerns regarding budget allocations for “Girls Post Detention Programs” to the Chairperson of the YCTF, Marie Osborne (Osborne).

Martin requested an opinion from COE staff, and received one in the form of INQ13-239 which clearly stated that Campbell could not communicate with other board members, using Martin as a conduit. The opinion advised that any discussion should be done during an open meeting and the board member could not, in any way, influence the board's decision.

It was also requested that a COE investigator review this matter to determine if additional training is needed or further action should be taken.

Interviews:

Alphermeia Martin
Special Projects Administrator
Office of Management and Budget

Martin voluntarily agreed to meet with COE investigators and provide information regarding this investigation. Martin advised that she became the coordinator for the task force when it was placed under OMB. Martin advised that she received an e-mail from Campbell requesting that she (Martin) forward it to the YCTF board Chair. The e-mail contained Campbell's objections to the committee recommendation concerning the Girl Power program. Martin advised that she notified Campbell that she (Martin) could not be a conduit for Campbell's message because that would be a violation of the Sunshine Law.

Martin advised Campbell that any communication between the parties must be made at an open meeting that was advertised.

Thema Campbell
Girl Power Inc.
6015 NW 7th Ave.
Miami, Florida 33127

Campbell voluntarily agreed to be interviewed telephonically and to provide information concerning this investigation. Campbell advised that she is the CEO of Girl Power and she serves on the YCTF. Campbell advised that all she wanted to do was make her objections to the committee recommendation known. Campbell advised that she was not trying to violate any laws; all she wanted was to make sure the Chair was aware that member of the CBO's are not appointed to the "model program committee." Campbell further stated the issue was not discussed in the last or next to last general meeting, at which time she was not present to make her objection known.

Campbell advised that Martin made it clear to her that attempting to contact the YCTF Chair via e-mail was improper. Campbell advised that she had gone through Ethics training, but she did not remember when.

Jessica Vallejos-Landestoy
Grants and Fiscal Coordinator
Miami-Dade County Juvenile Services Department.

Jessica Vallejos-Landestoy (Vallejos-Landestoy) voluntarily agreed to meet with COE investigators and provide information regarding this investigation. Vallejos-Landestoy was advised of the nature of the investigation and was provided with a copy of the documents sent by Martin to the COE for review; as well as the above-referenced INQ. Vallejos-Landestoy advised she become the coordinator for the task force when it was placed under the Division of Juvenile Services. Vallejos-Landestoy wanted to get guidance from the COE concerning how members can avoid conflicts of interest. She advised that she is aware the task force acts in an advisory capacity and does not have legislative authority; she feels that members that are employed by or run CBO's should be very aware of what constitutes a conflict on their part. Vallejos-Landestoy contacted Assistant County Attorney Stephanie Resnik in order to get clarification of her concerns; she was also advised that she could contact COE Staff for any further clarification.

Document/Audio/Video Review:

1. E-Mail from Campbell to Martin dated 9/17/2013, reference relaying message to board Chairperson.
2. Copy of INQ 13-239 by former Staff Attorney Victoria Frigo.
3. Copy of e-mail sent to Vallejos-Landestoy by Assistant County Attorney Resnik.
4. E-mail and list from Robert Thompson (Thompson), Outreach Coordinator for the Commission on Ethics, showing training status of members of the YCTF

Conclusions:

As a result of the interviews, and the review of the documents provided, it appears that Campbell did attempt to contact the Chairperson of the YCTF, regarding the budget allocations for "Girls Post Detention Programs." The investigation determined the reason was because there appeared to be no way for the CBO's to object to a committee's recommendation unless there is a discussion in the general meeting of the YCTF.


Martin's actions prevented Campbell from committing the improper communication and advised Campbell permissible and impermissible actions.

Martin was removed from her position as coordinator and replaced with Vallejos-Landestoy, due to staffing changes. This COE investigator met with the new coordinator and provided her with a copy of INQ 13-239. Vallejos-Landestoy also obtained a clarification from Resnik as to how to proceed in the future. Vallejos-Landestoy was also referred Thompson for training. Although Martin's actions prevented a Sunshine law violation, it should be reiterated that INQ13-239 prohibits Campbell from appearing before her own board either directly or indirectly to seek a benefit on behalf of her non-profit. She is prohibited from being involved *in any way* with board matters affecting her own non-profit. Therefore, even at a public meeting of the board, Campbell cannot advocate on behalf of her non-profit or be involved in any way with board matters affecting her non-profit; she must recuse herself from any such matters and not participate in any way.

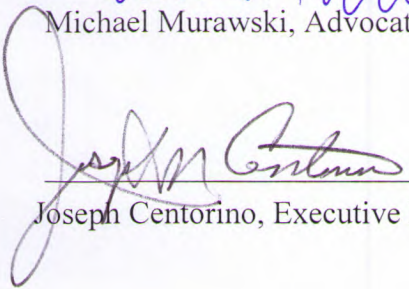
The YCTF must insure that they abide by the prohibitions prescribed in INQ13-239 and other provisions of the Conflict of Interest and Code of Ethics ordinance. Advocate Michael Murawski advised that since the YCTF has now been sufficiently counseled, no further action need be taken and the case should be closed.



Breno Penichet, COE Investigator

Approved by:


Michael Murawski, Advocate


Miriam S. Ramos, Deputy General Counsel


Joseph Centorino, Executive Director


Date closed