



**Miami-Dade Commission on Ethics & Public Trust**

**Investigative Report**

**Investigator:** Breno Penichet

<b>Case No.:</b> K13-057	<b>Case Name:</b> Improper use of Metro Rail Pass	<b>Date Open:</b> 4/18/2013	<b>Date Closed:</b> 7/17/2013
<b>Complainant(s):</b> Sarah Diaz	<b>Subject(s):</b> Joan Shen		

**Allegation(s):**

Complainant alleged that Joan Shen (Shen), Chief of Traffic Engineering division for the Public Works and Waste Management Department, repeatedly borrows a metro transit pass from her administrative assistant, in order to ride to meetings outside the office for free.

**Relevant Ordinances:**

Exploitation of official position, Sec. 2-11.1(g), Miami-Dade Conflict of Interest and Code of Ethics Ordinance.

**Investigation:**

***Interviews***

Judy Mincy  
Administrative Assistant  
Public Works and Waste Management  
(305) 375-2030  
[mincy@miamidade.gov](mailto:mincy@miamidade.gov)

On 7/2/2013, Judy Mincy (Mincy) voluntarily agreed to meet with COE investigators and provide information regarding this investigation. Mincy was advised of the allegations made in an e-mail by complainant Sarah Diaz (Diaz) concerning the use of the Metro Transit Pass by Shen. Mincy advised that she works for Shen but does not know who Diaz is.

Mincy advised that Shen does borrow her Metro Transit Pass, on occasion, in order to travel to meetings outside the 111 Building. Mincy advised that Shen only uses the pass for work and she (Mincy) does not mind lending Shen the pass. Mindy advised that certain employees have approached her and told her not to lend Shen the pass. They believe that the County should provide Shen with one if it is needed. Mincy advised that she feels that she has been put in the middle of something that is not her place to be involved in. Mincy was very clear that she had no problems with Shen using the pass as long as it was for business purposes.

Joan Shen  
Traffic Engineering Division Chief  
Public Works and Waste Management  
[joans@miamidade.gov](mailto:joans@miamidade.gov)  
Office line: (305) 375-2030

On 7/17/2013, Joan Shen (Shen) voluntarily agreed to meet with COE investigators and provide information regarding this investigation. Shen was advised of the allegations made in an e-mail by complainant Sarah Diaz (Diaz) concerning the use of the Metro Transit Pass by Shen. Shen stated she does not know who Diaz is.

Shen advised she did borrow the Metro Transit pass on five (5) occasions in order to travel to meetings outside the 111 Building. Shen advised the pass was only used for work related trips. Shen further stated that Mincy never indicated that she had a problem lending her the pass. Shen was advised that employees have approached Mincy and asked her why she (Mincy) lends Shen the pass. The employees feel the County should provide Shen with a pass if it is needed.

Shen advised that she understands the perception problem and will not be using the pass again. Shen stated in the future she will pay the fare herself or use a County vehicle.

**Document/Audio/Video Review:**

E-Mail Dated 4/18/2013.  
From: Sarah Diaz  
Subject: misuse of transit pass by traffic engineering division chief Joan Shen

**Conclusion(s):**

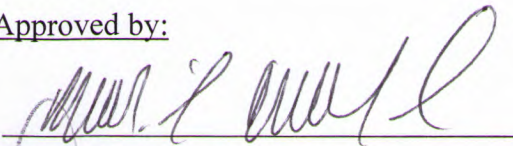
Shen advised that she did not mean to cause any problems by using the Metro Transit Pass; in fact, Shen was apologetic and concerned because her main goal is to be an effective and fair supervisor.

Shen was provided a copy of the Conflict of Interest and Code of Ethics Ordinance in order to assist her with any questions she may have in the future in dealing with employee issues.

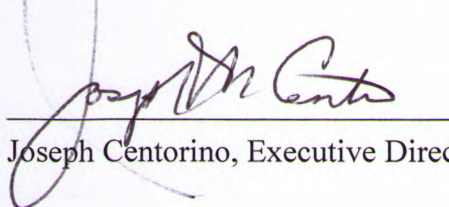
Advocate Michael Murawski advised that no further action would be taken since there does not appear to be an Ethics violation since. Since Shen only used her pass for work-related business, it cannot be said that she exploited her position for an improper purpose. Accordingly, it is recommended that the above case be closed.

  
Breno Penichet, COE Investigator

**Approved by:**

  
Michael Murawski, Advocate

  
Miriam S. Ramos, Deputy General Counsel

  
Joseph Centorino, Executive Director

  
Date