

## REPORT OF INVESTIGATION

K #: 06-117 Kevin Burns

Date Opened: October 17, 2006

Date Closed: March 2007

Name of investigator: Arthur D. Skinner  
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### **Allegation:**

This matter was predicated upon the receipt of an anonymous letter that North Miami Mayor Kevin Burns may have abused his official position and violated the City Charter by interfering in City business by directly contacting city employees instead following City regulations and working through the City Manager. The letter also indicates that he may be using city funds for his personal benefit.

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:**

10/17/2006: Public records request to North Miami City Clerk Frank Wolland

- Qualifying documents filed by Mayor Kevin Burns.
- All Financial Disclosures filed by Mayor Kevin Burns since he has been in office.
- Car Allowance for Mayor Kevin Burns, if applicable.
- Salary for Mayor Kevin Burns.

10/23/2006: Reviewed Public Records received from Assistant City Clerk Jackie Fierra (305)895-9814.

Discussed with Fierra the benefits listed below for the Mayor and City Council:

The Salary, Expenses, Executive Benefits, and Transportation or Car are given in one combined check every month for the Mayor a total of \$1920.00 per month. Neither the Mayor nor the Council members are required to justify the how the money is spent. The travel for the Mayor was increased form \$14,809.00 to \$20,000.00 this fiscal year. Requested copies of travel reimbursements for the 2005/2006 fiscal year, and the most recent cancelled monthly check, for Mayor Burns.

10/24/2006 Interview with Mayor Kevin Burns.

On October 24, 2006, Investigator Arthur Skinner interviewed Mayor Kevin Burns at the North Miami City Hall. Burns gave the following information:

Burns stated that he has seen the letter by the city employees that is circulating around City Hall. Burns said that none of the accusations were true. He does not go directly to city employees with his requests instead he has worked through the City Manager to address the problems with city employees. Burns thought that this may be the result of some unhappy City employees that were required to work and answer their telephone instead switching the telephone to an answering machine during working hours. Other employees were unhappy because they were now required to wear uniforms and name tags identifying them as city employees.

Burns stated he has not used City funds for his personal benefit, and any travel has been strictly related to city business.

A review of the public record material requested did not reveal any abuse of City funds by the Mayor.

12/13/2006: Interview with North Miami City Manager Clarence Patterson.

On December 13, 2006, Investigators Arthur Skinner, and Yolanda Bielovucic interviewed North Miami City Manager Clarence Patterson at the North Miami City Hall,

North Miami, Florida (305) 893-6511 Ext. 2101, cpatterson@northmiamifl.gov .

Patterson stated that to the best of his knowledge Mayor Kevin Burns has not violated the City Charter by directly interfering with City employees and their duties. Patterson said when Burns was first elected there was a minor incident where Burns had gone directly to a Public Works employee and made a request. The employee complained to Patterson and Patterson talked with Burns explaining that City council could only give orders to the City Manager as a Council not acting as individuals. Patterson claimed that Burns has not interfered with the running of the City since that time.

Patterson stated that he hired Michael Ferrucci as a Code Enforcement Officer on April 27, 2006. Burns had talked with Patterson about Ferrucci about a year prior to Ferrucci being hired by the City. Patterson stated that Burns had not asked for any favors on behalf of Ferrucci. At the time the Code Administrator job was announced Ferrucci was a Code Enforcement Officer. The job was announced as internal promotion and Ferrucci was the only applicant. It was Patterson's decision to elevate the Code Enforcement Unit to a Department, therefore making the Code Administrator a Department Director.

Ferrucci came from New York. Prior to being elected Mayor, Burns approached Patterson saying he had a friend (Ferrucci) who was looking to move to the Miami area and needed a job. Ferrucci applied for a vacant Code Enforcement Officer position, Patterson stated he hired Ferrucci based upon his qualifications not his friendship with Burns. The Code Administrator position was filled by a female Code Enforcement Officer. The female Code Administrator lasted several months, before she requested to be demoted back to Code Enforcement Officer.

12/13/2006 Interview with Carol F. Keys

On December 13, 2006, Investigators Arthur Skinner and Yolanda Bielovucic interviewed Attorney Carol Keys in her office at 12700 Biscayne Blvd. Suite 401, North

Miami, FL., (305) 891-1600, keyslaw@keystitle.com. Keys was advised of the purpose of the interview and she gave the following information:

Keys was the campaign treasurer for Mayor Kevin Burns during the 2005 North Miami Mayoral election.

12/13/2006 Interview with Annie Montgomery

On December 13, 2006, Investigators Arthur Skinner and Yolanda Bielovucic interviewed Annie Montgomery (305) 892-1876, in the office of Attorney Carol Keys at 12700 Biscayne Blvd. Suite 401, North Miami, FL.. Montgomery was advised of the purpose of the interview and she gave the following information:

Montgomery claimed that she loaned Mayor Burns a total of \$85,000.00 using business and personal checks. Montgomery does not recall how many checks she had given Burns. Burns has repaid \$30,000.00 of the \$85,000.00 loan. The remainder of the loan is still outstanding as of December 13, 2006.

Montgomery had Burns sign a second mortgage the \$85,000.00 on May 6<sup>th</sup>, 2005 due in one balloon payment May 6, 2006. The mortgage was not recorded with the Miami-Dade County Clerk.

**CONCLUSION:**

Referred to State Elections Commission.