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Miami-Dade County Commission on Ethics and Public Trust

Memo

To: Mike Murawski, independent ethics advocate
From: Karl Ross, ethics investigator
Date: Oct. 23, 2007
Re: Jesus Solis interview

The purpose of this memo is to document the concerns raised by Jesus Solis about alleged violations of county AO No. 7-1 regarding tips and gratuities following an event last week at the Vizcaya Museum & Gardens. Mr. Solis stated his concerns during an interview Oct. 22, 2007, he requested the previous day.

During the interview, Mr. Solis said he is a full-time county employee who, for the past two years, has worked as a security guard at Vizcaya. He said he contacted this agency following an event sponsored by the law firm of Greenberg Traurig, in which approximately 500 guests attended a "corporate reception" on Oct. 18, 2007. Solis said he was one of four security guards working the event.

Solis stated that at the conclusion of the event, Peggy Fleites, one of the organizers, approached him and attempted to give him an envelope that he believed contained money while thanking him for doing a good job. A related document signed by Fleites states: "Extremely successful function thanks to your helpful staff." (See document titled, "Security Department Special Event Count Sheet.")

Solis said he felt uncomfortable accepting the envelope, and told Fleites he would have to contact his supervisor, whom he identified as Elonso Tousang. He said Tousang arrived in a golf cart and took the envelope from Fleites. He said Tousang opened the envelope in his presence and began counting a stack of bills. Solis said he saw bills worth \$5, \$10, \$20 and at least one worth \$1. He said Tousang stated, "There's a hundred dollars here," then departed in the golf cart. He said he believes

Tousang went to discuss the apparent tip with the two other security guards – Jose Gonzalez, known as “Junior,” and Reynaldo, last name unknown. He said he did not witness any such meeting.

Solis said the following day, as he arrived for his shift just before 11 p.m., Tousang gave him a Wachovia bank envelope and told him, “The boss authorized this.” He said he believed Tousang was referring to the head of security at Vizcaya, Ralph Castillo. He said he accepted the envelope which contained a \$20 and \$5 bill. He provided the envelope to COE so its contents could be photocopied.

Solis concluded the interview by stating that he was troubled by the incident, and came forward due to concerns he and his co-workers may have violated the county’s policy with respect to gifts. He was advised that while the events as described did not violate the Miami-Dade County ethics ordinance, they may have violated administrative policy, to wit Administrative Order 7-1, which went into effect May 2005 and states in applicable part that: “No County employee shall accept any tip or gratuity in the discharge of his/her public duties.”

Recommendation: The facts, as alleged by Mr. Solis, do not appear to violate any provisions of the county’s ethics ordinance. As it is currently written, the ethics ordinance permits the acceptance of gifts without reporting them if they are valued under \$100. However, there does appear to be a violation of county administrative policy. Thus, we are referring the matter to the appropriate departmental director and/or to the county manager’s office. It was the opinion of COE legal staff that the incident described by Solis did not warrant conveying him whistleblower status; however, it should be noted that Solis came forward voluntarily. He appears to have acted conscientiously and in good faith, though he noted some differences with supervisors and stated he was interested in seeking a transfer to another agency.

