

OFFICE OF THE INDEPENDENT ADVOCATE
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
REPORT OF INVESTIGATION

K #: 07-014 ROI Consulting/ Lyn Harris

Date Opened: Jan. 19, 2007

Date Closed:

Name of investigators: Karl Ross and Kennedy Rosario

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Allegation:

The investigation was predicated on a tip that ROI Consulting Inc. had entered into a contract with Miami-Dade Transit in conflict with the county's ethics ordinance as it relates to Section 2-11(c) titled *Prohibition on transacting business within the County*, and Section 2-11(g) titled *Exploitation of official position prohibited*. In particular, it had been alleged that Stanley Harris, a principal with ROI Consulting, is related by marriage to Lyn Harris, a senior-level advisor to former MDT Director Roosevelt Bradley.

The ensuing investigation uncovered that Lyn Harris and Bradley may have exploited their official positions by attempting to secure work for ROI/ Stan Harris as MDT consultants in the field of quality assurance. When this effort failed due to resistance from MDT staff, Lyn Harris and Bradley allegedly acted to lobby for the inclusion of ROI as part of the "team" of consultants assisting with the implementation of the People's Transportation Plan. This team serves as "an extension of staff" for MDT, and Harris and Bradley exercised oversight of the \$44 million consulting contract.

The investigation found that as a result of their efforts, ROI Consulting entered into a contract on or about March 2006 with Parsons Brinkerhoff Quade & Douglas, the prime contractor for the team of MDT consultants. That contract was rescinded two months later after program officials cited "what might be perceived as a conflict of interest," according to a May 9, 2006, letter from Parsons removing ROI from the team of sub consultants and alluding to the relationship between Lyn and Stan Harris.

Investigation:

During the course of the investigation, ethics investigators interviewed numerous officials linked to the MDT consulting contract, including Lyn Harris herself. Harris told COE investigators she had no knowledge of her husband's ongoing efforts to obtain a consulting deal with MDT until the contract with ROI was rescinded. She further stated that at no time did she intervene on behalf of ROI with MDT staff, or seek to use her influence as a senior advisor to Bradley to secure benefits for the firm. She described her husband's subsequent participation in the consulting arrangement as incidental, adding: "He did not profit one penny from this. That's it. Hand's down."

Lyn Harris further claimed she was not a part of the process leading to the addition of ROI and a handful of other Disadvantaged Business Enterprises, or DBEs. She said this responsibility lay primarily with the Contracting Officer's Representative (COR), a position held first by George Navarrette, formerly of MDT, and then by Albert Hernandez, the agency's deputy director of engineering, planning and development. The COR serves as the transit director's personal representative in matters relating to the contract and as its chief liaison with private consultants. The investigation also revealed that Harris served in a similar capacity, her influence allegedly rivaling that of the COR in matters pertaining to the PTP consulting arrangement.

While Harris sought to minimize her involvement in the contract and denied intervening on behalf of ROI, she was contradicted by several MDT staff members who, among other things, alleged the following:

- Former MDT employee George Navarrette, while he was serving as COR, stated that Lyn Harris approached him in the Stephen P. Clark Center and, without disclosing her relationship to Stan Harris, recommended the inclusion of ROI Consulting as a member of the consulting team, stating: "I think we

should add this person [Stan Harris/ROI] to the team.” Mr. Navarrette has agreed to provide a sworn statement of this incident.

- Ralph Cutie, also formerly of MDT, said he worked with Narrette on the PTP consultancy and told investigators that Navarette related the incident with Harris in which she allegedly recommended hiring ROI.
- MDT Deputy Director Albert Hernandez, the current COR, stated that Harris had a direct, hands-on role in the oversight of the PTP consulting contract and prepared the agendas for monthly “principals meetings” between high-level transit officials and their counterparts at Parsons Brinkerhoff and other outside consulting firms. These agendas made reference to staffing issues, including the proposed addition of one or more quality assurance firms. ROI was later hired in this capacity. Hernandez said Harris’ involvement was such that he felt the effort was “a ship with two captains,” and said he frequently clashed with Harris, who seemed to have Bradley’s backing.
- Erigene Belony, MDT’s manager of civil rights and labor relations, stated that Harris ran the monthly principals’ meetings -- “They felt like her meetings,” he said – and said he believed Harris was “in the loop” about the need to find a QA firm and the subsequent decision to hire ROI. He said Harris approached him while he was reviewing ROI’s eligibility to participate as a DBE firm, and that her inquiry led him to suspect a potential conflict. He said he took this concern first to his supervisor, Cathy Lewis, and later to former Director Bradley, who did not seem interested in addressing the issue.

- Parsons Brinkerhoff executive Richard Lear, project manager for the team of private consultants, stated that Harris was very much of an insider in all matters relating to the contract, including the addition of new DBE firms. He said she regularly attended the meetings and took notes, including a meeting on Oct. 12, 2005, in which the hiring of a QA firm was on the agenda. He said he believes that it was at that meeting that former MDT Director Bradley first suggested Parsons add ROI to the team of consultants. He said he believes Harris was there because she later circulated notes about the meeting, but does not recall her participating in those discussions. He said Bradley said something along the lines of, "Why don't you try ROI?" He said he considered this an "offhand suggestion," but noted MDT officials later provided him with contact information and a copy of a proposal submitted by ROI. He said he was later "shocked" when he was told ROI would have to be removed from the team as a result of Lyn Harris' alleged conflict.
- Zoila Badulescu, MDT's former acting chief of quality assurance, told COE investigators that former Director Bradley made repeated efforts to get ROI hired as consultants, but that she and other members of her staff expressed strong reservations about ROI's lack of experience and training. "They are not quality professionals. They have no experience implementing programs for quality control," she said. She said she felt that Bradley was pushing for ROI to be hired to work directly under her and later through Parsons. Badulescu described the situation as "very stressful," adding she perceived a "special interest" on Bradley's part in finding ROI work. She said she finally learned of a possible connection between ROI and Lyn Harris, and confronted Harris at that time as to whether they were related. She said Harris responded coyly to her question by answering: "Let's just say I've known him for a very long

time.” She said Harris went on to tell her, “Well, Mr. Bradley wants to bring them on board,” and asked if she couldn’t “just give them something.”

- Lazaro Palenzuela, an MDT quality assurance engineer, said he participated in meetings between ROI representatives, Badulescu and MDT staff, and recalled ROI’s Harris boasting about his “easy access” to then Director Bradley. He said he concurred with Badulescu that ROI was not qualified to serve in the capacity Bradley had proposed. He said their responsibilities would have included writing a quality assurance plan for the PTP, and that failure to submit a proper QA plan could jeopardize federal funding. He said Lyn Harris, as MDT’s liaison to federal transit agencies, would have been aware of the importance of complying with federal QA guidelines.
- Lucious Williams, an MDT quality assurance engineer, said he also attended meetings between ROI, Badulescu and, in one instance, former Director Bradley. He said he was “not impressed” with ROI’s credentials, and agreed with Badulescu and Palenzuela they should not be hired. He also recalled Stan Harris making reference to “having a direct line to Bradley” and trying “to insinuate he had some pull.” He said he felt Bradley was “pushing” for ROI, and said he appeared to side with them at the expense of Badulescu, who he pressed to justify her position as to why ROI should not be hired. He indicated he felt Bradley’s treatment of Badulescu was inappropriate.

A complete account of all interviews can be found in the investigative file, along with extensive documentation supporting these findings. These include a copy of the contract between ROI and Parsons Brinkerhoff, stamped received March 23, 2006; correspondences between MDT staff and private consultants, including the request ROI

be withdrawn from participation in the contract on May 9, 2006; a copy of ROI's proposal dated Oct. 25, 2005 to provide quality assurance services to MDT; copies of agendas and notes prepared by Lyn Harris; and numerous e-mails between MDT staff, private consultants and ROI itself. Lastly, corporate records indicate that Stan Harris was 90 percent owner and chief managing partner for ROI at the time the company sought work with MDT through Parsons Brinkerhoff, the prime consultant. A timeline of relevant events was prepared and can be found in the file, as well.

CONCLUSION:

The above findings strongly indicate Lyn Harris was aware of her husband's continual efforts to obtain work with MDT in possible violation of the county's ethics ordinance, and that on more than one occasion she intervened in support of these efforts – first by recommending ROI to George Navarrette and, later, by urging Zoila Badulescu to “just give them something” after the latter raised concerns about the firm's qualifications. Badulescu's account of her exchange with Harris over the rumor she was in fact married to ROI's Stanley Harris, shows evasive conduct by Lyn Harris that suggests she was aware of a potential conflict. At no time did Lyn Harris or ROI/ Stanley Harris seek guidance from the county's ethics commission. It should further be considered whether Harris violated county lobbyist guidelines.

As for former Director Bradley, it is clear from the investigative findings that he used his official position to secure a benefit for ROI Consulting/ Stanley Harris in the form of a contract with Parsons Brinkerhoff. The sub consulting deal would have allowed ROI to serve as an “extension of staff” to MDT officials implementing the multi-billion-dollar People's Transportation Plan that he and Lyn Harris helped manage. The investigation showed Bradley ignored the objections of his staff in hiring ROI, and prevailed only after two years of unsuccessful attempts to “bring them aboard.” He initially disregarded concerns about a potential conflict brought to his attention by

Erigene Belony, the investigation found, and sought to remove ROI from the consulting team only after a May 2006 report by the Miami-Dade Office of the Inspector General highlighted other questionable hiring practices by his agency.