

OFFICE OF THE INDEPENDENT ADVOCATE  
REPORT OF INVESTIGATION

K #: 07-028

Date Opened: February 20,2007                      Date Closed: April 17, 2007

Name of investigator: Breno Penichet

**Allegation:**

**This Investigation is predicated upon information received in the form of an Anonymous letter alleging that Biscayne Park Commissioner Dr. Chester Morris Abused his authority by having City employees work on his property.**

The Letter stated that Commissioner Chester Morris had Village of Biscayne Park Employees from the Public Works Department, work on his property. The letter went on to allege that the workers used Village equipment and materials, and all this was allowed by the public works Director Joe Fisher. The letter also went on to state that the Public works Director Fisher, and the commissioner had a citizen arrested as retaliation.

**INVESTIGATION:**

- COE Investigators Rosario and Penichet Interviewed Village of Biscayne Park Public Works Director Joe Fisher concerning the allegation. Mr. Fisher advised that he was asked by Commissioner Morris if any of his workers could seal his drive way. Fisher suggested Bernard Pratt due to the fact that he (Pratt) was going to be married soon and needed the extra money.
- Mr. Fisher stated that most of his employees do work on their off time, and many times it is for Town residents.

- Mr. Fisher advised that no Village equipment or materials are ever used for any of the jobs conducted by the employees on their own time.
- Mr. Fisher was questioned as to the Village procedures as it regards to outside employment, and the filing of financial disclosure forms by the employees, as is required by county ordinance. Mr. Fisher advised that to his knowledge no regulations exists. Investigator Rosario provided basic information on the County ordinance and arrangements were made with the COE staff to provide the proper training.
- COE Investigators Rosario and Penichet also spoke to Village Manager Mr. Frank Spence who after being advised of the complaint and the information gathered up to that point, advised he was in the process of up grading the procedures which would address off duty employment. Mr. Spence was advised that arrangements would be made with COE Staff for training.
- COE Investigators Rosario and Penichet also spoke to Chief Mitchell Glansberg regarding the allegations that Mr. Fisher and Commissioner Morris had a resident arrested. Chief Glansberg advised he was aware of the specific incident and that it was being investigated by the Police Dept. as an internal complaint.
- COE Investigators Rosario and Penichet Interviewed Village of Biscayne Park Commissioner Dr. Chester Morris 734 NE 119 St. Biscayne Park, Fl. 33161. (305) 899-8000. Dr. Morris was advised of the allegations made in the letter concerning the fact that village employees had done work on his property while utilizing village equipment and materials.
- Dr. Morris advised that over the years he has become friendly with certain workers and that when he was elected commissioner he was put in charge of public works, so he has a very good working relation with the Director and also with the Assistant director Mr. Pratt. Dr. Morris advised that one day he asked

Mr. Fisher who he recommended to do some work on his drive way, Fisher recommended Mr. Pratt because he (Pratt) needed the money due to the fact he was going to be married soon. Dr. Morris advised he approached Mr. Pratt and he agreed to do the work on his (Pratt's) off time. Dr. Morris advised he gave Pratt a check in the amount of \$229.08, on January 25, 2007 in order to cover the materials and the labor. (Copy of check provided).

- Dr. Morris advised that on February 17, 2007 Mr. Pratt and another Village employee came to his house and resurfaced his drive way. Dr. Morris was home but did not directly supervise the job, did provide a brush and masking tape. No permit was required and no traffic was interrupted. Dr. Morris advised that Mr. Pratt and the other worker arrived in a black Vehicle.
- COE Investigators Rosario and Penichet interviewed Bernard Pratt, Asst. Director Public Works Dept. Village of Biscayne Park, 893 NE 109<sup>th</sup> St. Biscayne Park, Fla. 33161 (305) 893-4346. Mr. Pratt was interviewed concerning the work he performed at the residence of Commissioner Morris. Mr. Pratt stated that he was approached by Morris while he was working in front of Village hall, Morris asked if he (Pratt) wanted to resurface his drive way, Pratt agreed and Morris gave him a check to cover the labor and materials. Mr. Pratt advised that he asked one of the supervisors John Jenkins who was going to Home Depot on Village business to purchase the 4 gallon tanks of sealer that he (Pratt) needed for the job. Mr. Pratt also stated that the tanks were stored at Public works until he transported them to Mr. Morris' home. COE Investigator Rosario explained to Mr. Pratt the reason why it was not proper to use Village Employees to purchase the materials, or to store it on site. Mr. Pratt advised he was never properly trained on this matter and in the future he would be more careful.

- Mr. Pratt provided a copy of the receipt for the purchase of the materials. Mr. Pratt was also questioned as to the use of any Village equipment and he advised no Village equipment was used, also he advised that he drove his personal vehicle to the Morris property.

**CONCLUSION:**

Due to the lack of training and no clear written guide lines there was a violation of 2-11.1. (K)(2) Outside Employment. The Investigation revealed problems with the reporting and approving of off duty employment. Training has been arranged which should clear up the problem; Village Management has been alerted and will take steps to insure that in the future; all off duty employment is monitored and reported correctly. Case closed.