

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

K #: 09-143 Mark Collins

Date Opened: November 2, 2009

Date Closed: February 4, 2010

Name of investigator: Arthur D. Skinner
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Allegation:

This matter was predicated upon the receipt of information from Kevin M. Forbes, that Mark A. Collins, the son of the City of North Miami Interim Assistant City Manager Mark Collins (Mr. Collins was the Director of Public Works at the time his son was hired) works at the City's water plant. Mr. Forbes claimed that he has informed the City Manger and the City Attorney and no one seems interested. (Mr. Collins was the Director of Public Works at the time his son was hired) Mr. Forbes believes that the son's employment violates the State anti-nepotism statute.

112.3135 Restriction on employment of relatives. (2)(a) A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member. However, this subsection shall not apply to appointments to boards other than those with land-planning or zoning responsibilities in those municipalities with less than 35,000 population. This subsection

does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide.

Investigation:

On November 17, 2009, former City of North Miami Manager Clarence Patterson was interviewed by telephone (305) 898-9888. Mr. Paterson was informed of the purpose of the interview and gave the following information: Patterson stated that Mark A. Collins, the son of Interim Assistant City Manager Mark Collins was not hired by Collins. The City hiring process is a Civil Service matter supervised by the Personnel Director Becky Jones (305) 895-9866. Jones appoints a selection committee who review the applications of the applicants. The list of most eligible candidates is sent to the Water and Sewer Department Water Plant Superintendent who makes the selection. Mr. Collins as Director of the Public Works Department is the third line supervisor of the Water and Sewer Department Water Plant Superintendent.

On December 4, 2009, the complainant, Mr. Kevin M. Forbes, 9964 W. Elm Lane, Miramar, FL 33025 was interviewed by telephone (954) 261-4499. Forbes had no additional information about this matter. Mr. Forbes made a public record request for the case report. Email: sharonaforbes@bellsouth.net

On December 21, 2009, Investigator Art Skinner interviewed North Miami Personnel Director Becky Jones by telephone. Ms. Jones was informed of the purpose of the interview, and she gave the following information: Collins' son was hired 10/2/2006, Mark A. Collins. He was initially interviewed by a selection committee, two of whom work for Mark Collins. The committee produces a list of eligible candidates which is forwarded to the Superintendent of the water plant. The Superintendent at the time selected Collins' son. The person selected for the position (Mark A. Collins) name

was then forwarded to the Director of the Public Works Department Mark Collins for his approval. Ms. Jones does not recall if there was anyone else hired at the time for the same position.

On January 28, 2010, COE Investigators interviewed Deputy City Manager Mark Collins, present during the interview was North Miami City Manager Russell Benford and City Attorney Lynn Whitfield. Mr. Collins said he was aware that there was a complaint about the hiring of his son Mark A. Collins. The City Attorney stated that it was her opinion that Mr. Collins was not involved in the hiring process and did not violate the State nepotism rules.

CONCLUSION:

This appears to be a violation of the State anti-nepotism statute. Mr. Forbes was advised that he should file a complaint with the State of Florida Commission on Ethics