

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

K #:11-018

Date Opened: 2/3/11

Date Closed: 6/6/11

Name of Investigator: Manuel W. Diaz
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Allegation:

A citizen contacted the COE and advised that she and her husband recently attended a show at Club Cameo on Miami Beach. The couple was disgusted at the sexual nature of the show. As a follow up, she inquired as to the coordinator of the show. She believed that the coordinator was a Miami-Dade employee. She researched the Florida Secretary of State Corporations site and determined that the Miami Dade employee owns a business which she assumed to be sexually oriented. The citizen complained that a Miami-Dade employee should not be allowed to affiliate with a sexually oriented business. The Miami-Dade employee was identified as Jean P. Scott, (Scott), who works for Miami-Dade Transit.

The caller was advised that Scott has, by County policy, a right to apply to his department for permission to have outside employment, and that it is up to that department's director to determine if the outside employment conflicts with the employee's responsibilities as a Miami-Dade employee. If there was no conflict, permission for outside employment is usually granted.

The citizen was advised that the COE would verify if Scott had applied for and received permission for outside employment.

The citizen re-contacted the COE approximately one hour after the initial telephone call and advised that neither she nor her husband wanted any further involvement with the complaint.

Applicable Legislation:

Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance

“(k)(2) All full-time County and municipal employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade County, or the respective municipality, or any of their agencies or instrumentalities, shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to same and any amount or types of money or other consideration received by the employee from said outside employment. Said County employee’s reports shall be filed with the Supervisor of Elections no later than 12:00

noon on July 1st of each year, including the July 1st following the last year that person held such employment. Municipal employee reports shall be filed with the clerk of their respective municipalities. Said reports shall be available at a reasonable time and place for inspection by the public. The County Manager or any city manager may require monthly reports from individual employees or groups of employees for good cause.”

Investigation:

Miami-Dade County:

Scott’s employment file with the Department of Human Resources was queried. It was determined that Scott is a Miami-Dade Transit employee. The file did not contain any indication that Scott requested permission for outside employment.

Florida Department of State:

Florida Department of State Division of Corporations site was queried. Scott was found to be the Registered Agent and an Officer/Director for a Florida For Profit Corporation, **Sexy Secrets Miami, Inc.**

Interview: Jean P. Scott – Miami-Dade County Employee

Scott was interviewed via telephone on February 8, 2011. He was advised of the allegation. Scott acknowledged that he was listed as an Officer/Director for Sexy Secrets Miami, Inc. a Florida For Profit Corporation. The corporation operates from a retail store located at 6572 SW 40th Street, Miami, Florida. Scott advised that the store is owned and operated by his wife, Tavia Scott.

Scott confirmed that Sexy Secrets Miami, Inc. had participated in a retail show at the Club Cameo several weeks prior. He explained that it was a lingerie show, promoted by South Florida Promoter, Alex Castro. Scott advised that neither he nor his wife made any profit from the show. The purpose of the show was to advertise lingerie marketed through the store.

Scott advised that he was aware of the County requirement to obtain permission for outside employment, but believed that he was not required to do so because he had nothing to do with the store as the store is managed and operated by his wife. Scott was advised that he did have an interest in the store and must report any income from the store on July 1st of each year per the Miami-Dade Conflict of Interest and Code of Ethics Ordinance.

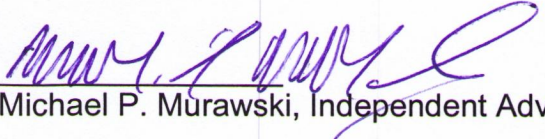
Scott advised that he would immediately request permission for outside employment through his department.

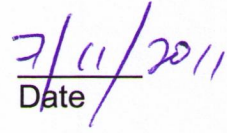
Summary of the Investigation:

1. A citizen contacted the COE and complained that a Miami-Dade employee was involved with a sexually oriented commercial venture. The citizen identified the employee as Jean P. Scott.
2. Research concluded that Scott did not request permission for outside employment.
3. The Miami-Dade employee was contacted, was advised of the allegation and acknowledged that he did not request permission for outside employment through his department. He advised that he was unaware that he was required to request permission. He advised that he would immediately comply with the requirement and copy the COE.
4. Scott applied for outside employment on 2/16/11. Permission was granted on 2/28/11.

Conclusion:

Scott has come into compliance with the Code of Ethics Ordinance. Therefore, the finished investigation will be closed with no further action.


Michael P. Murawski, Independent Advocate


Date