



REPORT OF INVESTIGATION

K #: 12-002 Judy S. Shepard/ J-MAC Cleaning Services Inc.

Date Opened: Jan. 6, 2012

Date Closed: April 16, 2012

Name of investigator: Karl Ross

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BACKGROUND:

The Office of the Advocate asked this investigator to determine whether Ms. Shepard, a purchasing specialist for Miami-Dade Transit, was in compliance with the terms of the letter of inquiry (INQ 11-34) issued by this agency on March 1, 2011. The inquiry set to establish "limitations on doing business with the County" and further mandated that Ms. Shepard "obtain permission and submit appropriate forms in order to engage in outside employment." At that time, Ms. Shepard advised that she was seeking to do business with County agencies – other than her employer, MDT – through J-MAC Cleaning Services Inc., a private company she established in January 2011 as sole officer.

INVESTIGATION:

A review of public records shows that Ms. Shepard filed to incorporate J-MAC Cleaning Services Inc. (hereinafter "J-MAC") on or about Jan. 7, 2011, and Ms. Shepard serves as the registered agent and sole officer for said corporation. The corporation is listed as

active. COE checked with the county's Department of Procurement Management and learned that J-MAC registered as a certified county vendor in May 2011. DPM further advised that J-MAC has no contracts with Miami-Dade County at this time.

COE contacted Ms. Shepard on March 26, 2012, and she confirmed that J-MAC is a registered county vendor. However, she stated that the firm has done no business with the county or with any other governmental or private entity as of the present. In effect, the company has been dormant since it was created early last year, she said. Shepard confirmed that her title remains Purchasing Specialist for the Materials Management Division of MDT. She said that she oversees numerous procurement items for the agency, including elevators, electronics and janitorial and other services. She advised she has not overseen the procurement of any new contracts for janitorial supplies or services in the past six months as she has been reassigned to cover other items.

On March 26, COE spoke to Ms. Shepard's supervisor, Vontressia Young, who stated that she had not been consulted by Shepard regarding any MDT prohibitions or restrictions concerning outside employment. (The response to Ms. Shepard's letter of inquiry advised her to contact her supervisor regarding this matter.) Young stated that MDT does incorporate some federal guidelines regarding conflicts of interests. She said that she would research the matter and get back to COE. Ms. Young confirmed that Shepard had been re-assigned to a new set of "commodities" about six months ago, but said she was unaware of any issues concerning her outside employment. She agreed to provide COE with a copy of a list of contracts Shepard is presently overseeing.

Said list showed that Ms. Shepard was monitoring approximately 40 contracts, including one that concerned Janitorial Services for Metrorail Sites (#7898-3/10-3). The list notes that the contract was issued April 1, 2010 – prior to the creation of J-MAC – and that on March 31, 2011, the contract was extended through June 30, 2012. Accordingly, the initial contract amount of \$4.1 million was increased to \$9.4 million. Her supervisor, Ms. Young, was asked about the extension and said that two extensions were granted and that these extensions served to give MDT time to prepare a new procurement item. She

did not find anything unusual about the extensions and voiced no concerns about Ms. Shepard's handling of the matter. She identified the two firms holding janitorial contracts with MDT as Vista Building Maintenance Service (hereinafter "Vista") and Diamond Contract Services Inc. (hereinafter "Diamond"). Public records show Miami-based Vista is located on Coral Way and has been in business for over 30 years, and that Diamond is based in Burbank, California, and has been registered in Florida since 2004.

COE also reviewed financial disclosures on file for Ms. Shepard with Miami-Dade elections and found a Form 1 for 2010 that lists J-MAC as a business interest. No Source of Income Statements could be found, though none would be required until July 1, 2012, since the company was not formally created until January 2011. COE has further requested a completed Request for Outside Employment form, which would be required for Ms. Shepard at or about the time she created J-MAC.

On April 6, COE interviewed Dunbar Cornelle, the compliance officer, overseeing the janitorial services contract. He said he was not aware of any problems or "irregularities" with respect to said contract. He noted the agency's procurement department decides when it is in the agency's best interest to grant extensions.

CONCLUSION:

Based on the available information and in consultation with the Ethics Advocate, it has been determined this case should be closed once it has been established Ms. Shepard has completed the required paperwork relating to her outside employment. Note: A Request for Outside Employment form was received from Ms. Shepard on April 16, 2011, showing her to be in compliance with all requirements at this time.