MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

REPORT OF INVESTIGATION

K #: 12-018

Date Opened: 1/19/12 Date Closed: 2/22/12

Name of Investigators: Manuel W. Diaz, Breno Penichet

Allegation:

The Miami Dade County Commission on Ethics and Public Trust (COE) received information that an employee from the Town of Bal Harbour (the Town) may have used a Town-owned vehicle to move items for former Town Councilperson Joel Jacobi (Jacobi). The move was conducted during the evening hours on January 14, 2012.

Investigation:

Michael P. Murawski, Esq., COE Advocate provided the following information. The COE has a lien against Jacobi for fines owed as a result of an Ethics Complaint. The COE contracted with Optimum Collection Services, Inc. 19 West Flagler Street, to act a collection agent to enforce the lien.

On January 18, 2011, Murawski and this writer contacted Adria Gramberg (Gramberg) an employee of Optimum. Gramberg advised that, while executing the lien, Miami-Dade Officers encountered a Town employee in a Town uniform exiting the Jacobi residence. The employee advised officers that he was there to assist Jacobi in moving. The employee was not identified.

Interviews:

Raul Interian (Interian), Sergeant, Miami-Dade Police Department, Court Services Bureau.

Interian was interviewed via telephone. He advised that he and other officers were present executing he previously referred lien on Jacobi. While at the Jacobi residence, he encountered an individual exiting the residence with Jacobi. The male advised Interian that he was there to assist Jacobi in moving. Interian noted that the male was driving a blue and white pickup truck. Interian could not identify the male. He did not recall if the male was wearing a work shirt, identifying where he was employed. Interian advised that he could not identify the ownership of the pickup truck, only that the truck looked like a government vehicle.

Andrew Trepeda (Trepeda), Town Manager

On January 20, 2012, Trepeda was contacted and the scope of the investigation was explained. Trepeda was aware of the allegation that a Town employee Sandy Graham (Graham) had helped Jacobi move during working hours. He advised that if true, Graham was subject to disciplinary action. Trepeda referred the inquiry to the Town's Chief of Police who had additional information concerning Graham.

Tom Hunker (Hunker), Town Chief of Police.

On January 30, 2012, Hunker was interviewed. Hunker advised that he had been contacted by officers from the Miami-Dade Interagency Auto Theft Task Force. The officers advised that they had arrested Graham with reference to Graham's involvement in an auto-theft ring. Hunker advised that he interviewed Graham, after the arrest, as to his involvement. During the interview Graham volunteered that he had used a Town vehicle to help Jacobi move. Graham added that he had not received authorization to use the vehicle, and that he had helped Jacobi move because Jacobi was a friend.

Leonard Robinson (Leonard), Town Director of Public Works

Robinson was interviewed at Town Hall. He explained that Town vehicles (trucks) are assigned to his department. He clarified that Graham worked for the Town's Department of Parks and Recreation. He explained that when a Parks and Recreation employee need a truck,

the employee to goes to the Public Works office, takes the set of set of keys off a keyboard for the type of truck they need and uses the truck. There is no sign out procedure. Robinson was not aware of the allegation against Graham. Robinson advised that if Graham used a truck to move Jacobi, he could be disciplined. He did not authorize the use of the truck.

Mike O'Quinn (O'Quinn), Town Director of Parks and Recreation.

O'Quinn was unaware of the allegation against Graham. O'Quinn advised that if Graham used a Town vehicle for unauthorized purposes he would be disciplined. He did not authorize Graham to use a truck to move Jacobi.

Sandy Graham (Graham), former Town employee.

Graham was contacted via telephone. He advised that he had resigned voluntarily from his employment for personal reasons. Graham confirmed that on January 14, 2012, he helped Jacobi move a barbecue grill from one condominium to another condominium, about two blocks away. He advised that Jacobi is a friend of his. Graham said that Jacobi asked him to help him move the barbecue. Jacobi did not ask him to use the Town vehicle. Graham used the Town vehicle because it was available. He could have used his own truck, but he was working at the time and stated that it was easier to use the Town vehicle.

Public Records:

Graham's personnel file was reviewed. The file contained a letter of resignation from employment from Graham. The resignation was effective February 13, 2012. The file also contained a copy of an arrest affidavit for Graham from Hollywood Police Department indicating that Graham had been arrested on January 23, 2012, for the possession of a stolen motor vehicle in Hollywood, Florida. Copies of both documents have been included in the investigative file.

Summary of Facts:

1. The COE received information that Graham used a Town vehicle to help Jacobi move.
2. Graham, in an interview, confirmed that he helped Jacobi move using a Town vehicle.
3. Interviews with Town officials confirm that Graham violated administrative policies for the use of Town vehicles.

4. The review of Graham's Town personnel file confirms that Graham resigned from his employment with the Town.
5. Graham, while employed by the Town was arrested by Hollywood Police Department and currently faces felony charges.

Conclusion:

The investigation confirmed the allegation against Graham. Given that Graham resigned from the Town, was arrested and is currently facing criminal charges, this case is closed with no further action.