

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

#K12-091

Date Opened: 06/19/12

Date Closed: 07/13/12

Investigator: Sylvia Batista

On June 8, 2012, this investigator received a telephone call regarding Medley Vice Mayor Jack Morrow ("Morrow"). The caller alleged that Morrow, who used to be the Town's mayor, receives an additional payment for serving as acting mayor during the times that Town Mayor Ramon Rodriguez ("Rodriguez") is absent due to vacation, illness or business related travel. The caller also complained that Morrow receives a pension and his regular Vice Mayor salary from the Town after promising voters that if elected he would donate his salary to the Town.

The COE's issue relates to a violation of the Conflict of Interest and Code of Ethics Ordinance Section 2-11.1(g) *Prohibition on exploitation of official position*.

6/26/12 – Michael Pizzi, Medley Town Attorney –

Michael Pizzi ("Pizzi") advised that Mayor Rodriguez sent him a memorandum on 5/15/12 asking that he provide a legal opinion on the propriety of continuing to pay Morrow the Mayor's salary when the Mayor is absent from his post and Morrow serves as acting Mayor. Pizzi explained that whenever the Mayor was on vacation or out for

any other reason and it came to Morrow's attention, Morrow would go to Town Hall and ask to be compensated for the additional responsibility. Morrow would do whatever needed to be done by the Mayor in the Mayor's absence.

Pizzi explained that on the days that Morrow filled in for the Mayor, the Vice Mayor would be compensated at the Mayor's salary rate for the time that he served as acting mayor and his regular council salary would be reduced accordingly. Pizzi said that the practice had been done in Medley for 30 years, on and off, depending on the vice mayor in question. Pizzi advised that the practice had been followed when Morrow was the mayor.

Pizzi advised that in his legal opinion to the Mayor he recommended that the practice be discontinued because it was too informal and there were no written guidelines as to when the vice mayor would have to fill in for the absent mayor, or when the vice mayor is supposed to be compensated like a mayor. Pizzi advised that his legal opinion also stated that, although the Town has followed the practice in the past, he recommends that the Town discontinue the practice until there is something in the books to specify how the compensation for the acting Mayor would be dealt with.

06/19/12 – Public Records Request –

On July 3, 2012, the COE received the following documents responsive to its public records request:

DATE	TO	FROM	DESCRIPTION
5/15/12	Pizzi	Mayor Ramon Rodriguez	Inter-Office memo requesting that Pizzi research the legality of paying the VM the Mayor's salary when Mayor is away.

DATE	TO	FROM	DESCRIPTION
06/18/12	Mayor and Town Council	Pizzi	Legal memorandum regarding the question of the legality of paying the VM the Mayor's salary when the Mayor is away and the VM is acting Mayor. Pizzi stated that there have been times in the Town's history when a VM or councilmember fills in for the mayor and is paid at the mayor's salary level. Pizzi recommended that the practice be discontinued until more detailed guidelines are implemented.
2/2/11	Payroll Dept.	J. Morrow	Request to be paid 52 hrs. @ Mayor's salary rate while Mayor is on vacation from 12/16/10 to 12/30/10. Morrow was paid \$4,611.82 for the 52 hrs. he served as acting mayor. No indication of whether the 52 hours were deducted from Morrow's regular pay.
6/13/11	Payroll Dept.	Roy Danziger	Request that Morrow be compensated two days @ Mayor's salary rate for June 1 and June 2, 2011. Morrow was paid the sum of \$1,640.74 for the 2 days. Two days' pay in the sum of \$281.86 was deducted from Morrow's regular pay.
6/30/11	Payroll Dept.	Mayor Ramon Rodriguez	Request that Morrow be compensated one day @ Mayor's salary rate for 06/27/11. Morrow was paid the sum of \$842.54 for the day. One day's pay in the sum of \$140.93 was deducted from Morrow's regular pay.
7/28/11	Payroll Dept.	J. Morrow	Request to be paid one day @ the Mayor's salary rate for 7/25/11. Morrow was paid the sum of \$842.54 for the day. One day's pay in the sum of \$140.93 was deducted from Morrow's regular pay.
8/15/11	Payroll Dept.	Mayor Ramon Rodriguez	Request that Morrow be compensated @ Mayor's salary rate for 40 hours during 8/8, 8/9, 8/10 & 8/11/2011. Morrow was paid the sum of \$3,547.56 for the 40 hours. Four days' pay in the sum of \$563.72 was deducted from Morrow's regular pay.

DATE	TO	FROM	DESCRIPTION
9/8/11	Payroll Dept.	Mayor Ramon Rodriguez	Request that Morrow be compensated @ Mayor's salary rate for 18.50 hours on 8/31/11 and 9/1/11. Morrow was paid the sum of \$1,640.74 for the 18.50 hours. Two days pay in the sum of \$281.86 was deducted from Morrow's regular pay.
10/5/11	Payroll Dept.	Mayor Ramon Rodriguez	Request that Morrow be compensated @ Mayor's salary rate for 9/26/11. Morrow was paid the Mayor's salary in the sum of \$842.54 for one day. One day's pay in the sum of \$140.93 was deducted from Morrow's regular pay.
10/31/11	Payroll Dept.	Mayor Ramon Rodriguez	Request that Morrow be compensated @ Mayor's salary rate for 37.50 hours on 10/24-10/27/11. Morrow was paid the sum of \$3,325.83 for the 37.50 hours. Four days' pay in the sum of \$563.72 was deducted from Morrow's regular pay.
12/5/11	Payroll Dept.	Mayor Ramon Rodriguez	Request that Morrow be compensated @ Mayor's salary rate for 37.50 hours on 11/28-12/01/11. Morrow was paid the sum of \$3,325.83. for the 37.50 hours. Four days' pay in the sum of \$563.72 was deducted from Morrow's regular pay.
01/03/12	Payroll Dept.	Mayor Ramon Rodriguez	Request the Morrow be compensated @ mayor's salary rate for 28 hours on 12/27-12/29/11. Morrow was paid the sum of \$2,483.29 for the 28 hours. Three days' pay in the sum of \$422.79 was deducted from Morrow's regular pay.
01/05/12	Payroll Dept.	Mayor Ramon Rodriguez	Request that Morrow be compensated @ Mayor's salary rate for 01/03/12. Morrow was paid the sum of \$842.54 for 9.50 hours. One day's pay in the sum of \$140.93 was deducted from Morrow's regular pay.
2/14/12	Payroll Dept.	Mayor Ramon Rodriguez	Request that Morrow be compensated @ Mayor's salary rate for 02/13/12. Morrow was paid the sum of \$842.54 for 9.50 hours. One day's pay in the sum of \$140.93 was deducted from Morrow's regular pay.

DATE	TO	FROM	DESCRIPTION
4/04/12	Payroll Dept.	Mayor Ramon Rodriguez	Request that Morrow be compensated @ Mayor's salary rate for 3 hrs. on 04/02/12. Morrow was paid the sum of \$266.06 for the 3 hours. Three hour's pay was deducted from Morrow's regular pay.
04/04/12	Payroll Dept.	Mayor Ramon Rodriguez	Request that Morrow be compensated @ Mayor's salary rate for 37.50 hrs. on 04/09 to 04/12. Morrow was paid the sum of \$3,325.83 for the 37.50 hours. Four days' pay in the sum of \$563.72 was deducted from Morrow's regular pay as councilmember.
04/30/12	Payroll Dept.	Mayor Ramon Rodriguez	Request that Morrow be compensated @ Mayor's salary rate for 19 hours on 04/16 and 04/17. Morrow was paid the sum of \$1,685.09 for the 19 hours. Two days pay in the sum of \$281.86 was deducted from Morrow's regular pay.

Conclusion:

Compensating a councilmember, in this case Vice Mayor Morrow, at the Mayor's salary rate when serving as acting mayor was a previously made policy decision followed at the discretion of Mayor Rodriguez. To date, the Town of Medley has nothing in its Charter, nor is there any law passed that precludes the Mayor from following the practice, however, unsound it may be in some instances. The Town has presently taken steps to end the practice, until specific guidelines and rules are implemented dictating procedures to be used when practice is necessary. For these reasons, no further action will be taken by the COE on this matter.