



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Sylvia Batista and Robert Steinback

Case No. K13-055	Case Name:	Date Open:	Date Closed:
Complainant(s): N/A	Subject(s): Com. Michelle Spence-Jones	04/17/13	07/30/13

Allegation(s):

The COE received information that City of Miami Commissioner Michelle Spence-Jones (Spence-Jones) organized a political-style rally on 04/17/13 in support of her seeking to run for a third term in office. The allegation was that she used City staff and resources to organize this political rally.

Relevant Law:

Section 2-11.1(g) *Exploitation of official position prohibited*, Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

Section 112.313(6), Florida Statutes, Misuse of Public Position;

Section 106.15(3), Florida Statutes, Using services of state, county, municipal, or district officers or employees; and

Section 104.31, Florida Statutes, Political activities of state, county and municipal officers and employees.

Investigation:

Interviews

04/17/13 – Cornelius Neil Shiver, Chief of Staff for Commissioner Spence-Jones, (305) 250-5390 –

Cornelius Neil Shiver (Shiver) was contacted and asked about the rally held earlier in the day. Shiver said that the event was organized by local clergy and community residents who thought it would be beneficial for Spence-Jones to speak to her constituents and clarify what has been going on with the lawsuit wherein she was seeking a third term in office. Shiver explained that it was a community awareness event for the Commissioner to speak to her constituents and explain recent events, what the issues are, and to receive prayer and encouragement. There was no political purpose to the event. No candidate(s) was mentioned and there was no mention of the political races coming up in November. The event was 100% community awareness as to the issues regarding the court and lawsuit. It was also an opportunity for the Commissioner to get a feel for the people's frame of mind because they are confused. The dialog went both ways. The City legal department is of the opinion that it is at the Commissioner's discretion to keep constituents informed.

Shiver said that the Commissioner's staff played a role in sending invitations by e-mail in the last few days before the event, but the event was organized by local clergy and community people. Shiver said that there may have been some refreshments, but neither the City nor Spence-Jones' office paid for it. Shiver advised that Spence-Jones has imposed a moratorium on her fund raising activities.

Shiver advised that Spence-Jones' staff was invited by the event's organizers, but he could not go because he was busy in the office. Other staff members may have gone, but he is not sure who went.

05/17/13 – Maria Chiaro, Deputy City Attorney –

Deputy Miami City Attorney Maria Chiaro (Chiaro) said that Spence-Jones' office contacted her about the flyers and the event, and she gave the green light that it would not be a violation to have the employees involved in planning or attending the event.

06/06/13 – Brandyss Howard, Spence-Jones Staff Member –

COE investigators went on an unscheduled visit to Spence-Jones' office. Brandyss Howard (Howard), who sent the blast e-mail on 04/16/13 to a large number of voters and other recipients inviting them to the event, was asked whether she would speak to the COE investigators. Howard declined saying that she would need for us to provide her with a subpoena before she can speak with us. Howard advised that COE investigators should direct their questions to the law department.

06/06/13 – Chiaro –

COE investigators went on an unscheduled visit to Chiaro's office. Chiaro said that she was asked by Spence-Jones' staff about the event. Chiaro said that she was provided with a copy of the flyer that was going to be sent by e-mail to notify voters of the event. Chiaro was shown a copy of the flyer in question and stated that it was not the flyer that she saw and approved. That flyer did not have a photo of the Commissioner on it. Chiaro said that she would respond to our public records request and provide copies of the e-mails from and to Spence-Jones' staff requesting her legal opinion on the matter.

Chiaro said that she had a telephone conversation where the event was described to her. Chiaro said that she was told that no funds would be raised and that there would be no discussion of re-election at the event. Chiaro advised that the event was not necessarily political, but was more like a community event in support of the Commissioner. Chiaro said that if it is not political, Spence-Jones' staff can set it up and use City resources to make it happen. Chiaro said that commissioners often have community events where they give out turkeys and other benefits to constituents and this is entirely done with City resources.

07/23/13 – Jonelle Adderley, Office Manager for Spence-Jones –

Jonelle Adderley (Adderley) is the Office Manager for the Office of Commissioner Michelle Spence-Jones. Adderley was subpoenaed to provide her statement to the COE. Adderley gave a recorded sworn statement to Michael Murawski, Robert Steinback and Sylvia Batista. Adderley said that she first became aware of the plans to hold the April 17th rally during a conversation with Spence-Jones who told her that a few individuals from the community were getting together to do a rally in her support. Adderley does not recall who all of the individuals were, but recalls that one of the individuals was Kim McCray (McCray). Adderley said that she has personally known McCray for a while. McCray is not a member of the clergy. McCray is a friend of Spence-Jones' and a community activist. Adderley said that she does not know if McCray works for any organization. McCray was one of the main organizers of the event.

Adderley said that the rally was held after the judge ruled that Spence-Jones could not run for a third term. Her understanding was that the rally was going to be a community event to inform people about the hearing that had taken place and for people to show their support for Spence-Jones. At the time, people did not understand whether she could run or not. For this reason they wanted to have a meeting to inform people of what the judge's ruling meant.

Adderley explained that McCray organized most of the rally. McCray has a great relationship with all of the pastors. Mt. Tabor Baptist Church might be her church. Adderley said that the office staff was asked to help send out the flyers. The flyers were sent out by a blast e-mail, or maybe several blast e-mails. Adderley was shown a copy of the flyer sent by e-mail in preparation for the event and confirmed that this was the flyer that went out. Adderley said that she designed the flyer while she was in the office.

Adderley said that she has worked for Spence Jones for 8 years minus the almost 2 years that Spence-Jones was suspended from office. Adderley said that neither she nor the others felt that the rally was a political event. She may have had a conversation regarding the legality of the rally with her Chief of Staff, who saw no problem with their involvement in it. Adderley said that she oversees staff and she instructed staff to go to the rally. The choice of the word "voters" on the flyer was made by Shiver. Shiver told her at the time the rally was arranged that he would make sure with the City Attorney that it was okay. Adderley cannot recall whether he told her this before or after the event.

Adderley said that many people came to the rally which was held inside the church. Adderley compared the rally to almost being in church. Individuals prayed for Spence-Jones and her family. They spoke about the challenges that Spence-Jones has gone through and what the meeting meant. Adderley said she did not interpret the rally like an event to get voters to vote for Spence-Jones. Spence-Jones spoke, and four or five individuals spoke after her. Pastor Gaston Smith (Smith) spoke. Smith was the master of ceremony throughout most of the event. Adderley said that there was another pastor there, Bishop Adams. There were many pastors there. There were 4 people from the community who talked about how great the commissioner has been. Adderley said she cannot recall who they were. Spence-Jones was speaking to support her term because of what she has gone through. Adderley said that she did not think it was a way to get people to vote for her.

Adderley said that the request for the City Attorney's opinion could have gone out after the event took place. Adderley did not have a specific role in the event. She passed out goods and made sure everything was okay. The event was mainly coordinated by McCray. Adderley was being paid to perform her regular city job while working the event. There was a program for the event, but it was not created by Spence-Jones' office. Refreshments were donated by local businesses in the community. Adderley said she does not recall which businesses donated the refreshments. Adderley said she recalls that a gentleman named Leroy Jones donated food, but she does not know what business he got it from. The food was served in the church in a small side area.

Adderley was shown a copy of Shiver's e-mail to Chiaro. Adderley confirmed that Shiver's e-mail to Chiaro was sent on 4/17/13, the day of the event. The blast e-mail had been sent a few days before the event. The blast-e-mail was sent to the people on their contact list and to the

media.

Adderley reiterated that McCray was responsible for lining up the people who were going to speak. Adderley and the rest of Spence-Jones' staff arrived at the event at 11:30 a.m. Adderley said she helped set up the refreshments and helped clean up afterwards. No one assigned these duties to her. Adderley said she offered to help out with the food component. Brandyss Howard also helped out.

Adderley said that she did not have concerns that they were on City time while working on the event. They felt that it was okay because the Judge had ruled that Spence-Jones could not run again and she did not feel that they were having a meeting to say "vote for her." The event was for people to know about the ruling. Spence-Jones felt that it was important to respond because she had not responded to her constituents since she had come back to office. They felt it was a community event, and not a political event. . If it was a political event, she would have told staff not to become involved in organizing the event. Adderley said that she has participated in other events like this for Spence-Jones. When Spence-Jones had her legal problems, they held similar events to let people know what she was going through. Adderley said she understands what the concern is, but there was no ill intent on their part. Had the event been a political rally it would have been clear that it was because they have done political rallies before. They know better than that. There was no police presence at the rally. Spence-Jones' office is a political office so sometimes the lines can be blurred. To her it's always political.

The other person who assisted in organizing the event besides the Spence-Jones' office staff was McCray. Adderley does not recall who introduced Spence-Jones to speak. McCray was there and coordinated the program for the most part. They reached out to a few people from the community to be on the program. One person was Samatha Cordiman, who is a resident of Liberty Square.

Adderley explained that they sometimes change their contact list depending on the event and the area, but for the most part they use the same list. There are about 500 people on their contact list. The flyer was also sent out to the press, which is a separate list altogether.

Adderley was asked to provide contact information for the people who helped organize the event such as McCray and others that are not part of Spence-Jones' staff. Another person was Eric Thompson, who is a resident of Liberty Square. Adderley was also asked to produce a list of all the people asked to speak and people invited to the event.

**07/30/13 – Brandyss Howard, Community Liaison, Office of City of Miami
Commissioner Michelle Spence-Jones –**

Brandyss Howard (Howard) is the Community Liaison of the Office of Commissioner Michelle Spence-Jones. Howard was subpoenaed to provide her statement regarding the April 17th rally to the COE. Howard gave a recorded sworn statement to Investigators Sylvia Batista and Robert Steinback.

Howard said that she was informed by the office manager (Adderley) that some of the

community representatives wanted to have some type of a community rally for Spence-Jones. Howard was then asked to put together some type of document informing other community representatives that this event would be taking place. Howard put the flyer out through her communication contact list of their constituents. Howard's contact list is a database that the office uses to send communication to all of their district's residents. Howard said that she has just one list. If the event being planned is in Overtown, Howard may send the e-mail to their Overtown based audience only. However, she sent the e-mail for the rally to everyone on their contact list.

Howard said that there were questions in the community asking what was going on with Spence-Jones' office. People had been hearing things in the media, but they had not heard anything from the Commissioner. People just wanted to basically hear from her as to how things stood so that they were informed and not misinformed because there were a lot of different stories floating out there. At this point they said, "Commissioner let's put something together so that you have an opportunity to address your constituents."

Howard said that she is not sure how the rally evolved. One day she got to the office and was told that some community organization and some members of the clergy have put something together, and this is the date and this is the time and this is what we are going to be doing.

Howard said that she did not talk to any of the people that were organizing the rally until the day of the actual event. Her assigned task was to put together a flyer informing the constituents of the rally.

Howard explained that she was at the rally. She helped set up, sat people, whatever was needed. This is what she has always done for similar events. She was not told to do it she just knew what to do since she has done it before. If she is sitting a senior, she knows that they have to sit in the front, and if it is a clergy member they need to be seated in the front out of respect no matter what the event is.

Howard said she had nothing to do with the program for the rally. When the rally was first put together her Chief of Staff reviewed the flyer and sent it to the legal department and they said it was fine to use. This happened before the e-mail notification of the rally was sent out. She sent the flyer out during the same week of the rally.

Howard said that she had not seen Mr. Shiver's e-mail to Chiaro asking for her opinion. Howard was shown a copy of the e-mail from Shiver to Chiaro requesting a legal opinion on the flyer. Howard explained that there was a conversation between her, Shiver and Jonelle where they agreed to be advised by legal, but she did not send the e-mail. Howard did not hear anything else about it. Shiver did not come back and say, go ahead and send it. Jonelle gave the order to send it.

Howard attended the rally, but had nothing to do with planning it. Howard recalls that there were some people from Liberty Square who spoke, as well as Eric Thompson and Samatha Quarterman. Although McCray was there, she did not speak. McCray more or less coordinated the event. All directives she got at the rally came from McCray. Howard said she got the program from McCray. When it came to the order of speakers McCray told her who was on the program and if so and so comes in to let her know. McCray seemed to be the organizer. Howard did not ask who the head organizer was.

Howard does not know McCray's affiliation. She is someone that they have had an event or

two with. She has been in their office before. Howard has spoken to her on the phone a couple of times to coordinate things.

Howard said there were refreshments at the event which were donated, but she doesn't know by whom. Howard said that she is the community liaison for Liberty City so she has been to Mt. Tabor Church a couple of times. She does not know the people and pastor there. The pastor has been to some events, but she does not know him on a personal note.

Howard said that one of the pastors probably introduced Spence-Jones to the audience because a few clergy persons spoke. Another pastor who spoke was Smith. Spence-Jones was brought on by a pastor. Howard can't say for sure if it was Smith. There were other pastors present, but she doesn't know their names.

Howard said that the rally and the ruling happened in one week's time. Howard arrived at the event about 30 minutes before it started and stayed about two hours.

Howard said she has worked with Spence Jones' office for the past year and a half. Prior to that, Howard said she worked for one of her district offices which was the Liberty City Trust so Howard has been affiliated with the Commissioner for the past five years.

Howard said that because she has worked on campaign rallies before, she knew the difference between a political rally and the event held. They did not create signage, did not create t-shirts, and were not campaigning in the street. These are the kinds of things that they would have done in a normal campaign rally. Any petitions that went out did not come from Spence-Jones' office. That was done by the other community organizations. In Howard's opinion, it was a rally to address the community about what was going on in her trial, what the City charter says. Many residents could not understand or interpret what the ruling meant, so the Commissioner explained all of this during the rally. It wasn't like a "vote for me" kind of event. The campaign had a very religious tone, even to the point where she asked constituents to pray for Richard Dunn, who filed the lawsuit in the first place. No jabs were thrown. Howard said she is glad Spence-Jones held the rally because, as a constituent liaison, she has been asked questions about what the ruling means. The rally gave them an opportunity to hear it for themselves.

Howard did not create the flyer that went out. The flyer was directed to "voters" because if they feel that their elected official lost time and that she should be allowed to run again, then this is the time to say it. This is not the same as saying, "I want to run again and I want your support." This is saying, "I want you to know that this is a right that has been violated and I want you to know that I am going to fight to make sure I am on the ballot." Howard said she knew when she created the flyer that this was not about trying to garner votes, trying to sway voters one way or the other. This was about a woman, a little girl from Liberty City.

Howard said that there may have been people in the room who don't like Spence-Jones. Howard said that because she is the constituent liaison for Liberty City, she has been told by some that they are going to support another candidate and that they are not happy with the current administration. Howard has worked in the Commissioner's office for 5 years so there are people with whom she has formed a particular relationship with. These people were there strictly for informational purposes to find out what the charter says, and what the City's legal opinion was on the situation. Spence-Jones broke it down to where people understood the facts and it wasn't about a campaign or running. It was about this is what's going on, this is where things are, so you don't have to hear it third party or get it

misconstrued by the media.

The recording and transcript of Howard's interview is available upon request.

07/30/13 –Shiver -

Shiver was subpoenaed to provide the following recorded sworn statement to Investigators Sylvia Batista and Robert Steinback:

Shiver said he has been the Chief of Staff for Spence-Jones since August or September of 2011. Shiver said his responsibility is mainly legislative. Shiver said that he prepares the commissioner for commission meetings, and handles the most important and technical interviews and meetings for her. For the most part, Adderley runs the office. Shiver said he is the assistant to the Commissioner.

Shiver explained that he has gained the respect of his office and the commission in how he approaches his duties. Shiver said he is not sure of when he became aware of the rally. He thinks it was when he saw a flyer being prepared in the office. He did not create the flyer, but he changed the title. He doesn't recall what it said, but he didn't like it. To him the title was somewhat misleading or problematic. He cannot go into any details because he doesn't remember what the title said. Shiver thinks he heard about an objective to go out to the community to clarify some issues. The meeting did not take place in City Hall. It may have taken place somewhere in the community or Spence-Jones' house. The meeting was with a group of people that met when he first found out about the rally. They were meeting on other issues and the issue came up about the recent court decision. The first order did not say that the Commissioner could not run, but nevertheless there was misinformation in the community about that first court order.

The recording and transcript of Shiver's interview is available upon request.

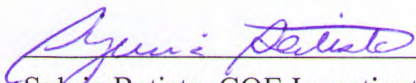
Document/Audio/Video Review:

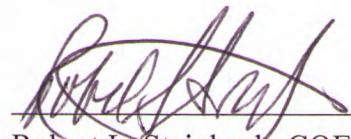
Reviewed the following:

- E--mail blast dated 04/16/13 from Brandyss Howard attaching a flyer asking the voters to come support Commissioner Spence-Jones for an "hour of power, praise and prayer" on 04/17/13 at 11:45 a.m. at Mt. Tabor Baptist Church;
- Media Advisory dated 04/16/13 regarding the rally;
- E-mail dated 04/17/13 from Shiver to Chiaro asking to meet regarding the attached flyer and media release;
- E-mail dated 04/18/13 from Shiver to Chiaro thanking her for her verbal opinion and requesting a written legal opinion on whether Spence-Jones can hold a community rally to discuss recent events with her constituents and to have office staff assist in its preparation. Noted that the request for Chiaro's opinion did not go out until the day after the rally which is also the day after the COE made its initial inquiry on the subject matter.

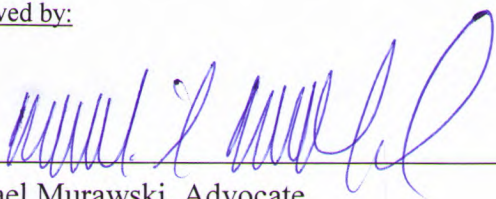
Conclusion(s):

There was no evidence that Commissioner Spence-Jones exploited her official position by having her City staff organize a political rally on her behalf. In addition there is no evidence that city personnel or resources were utilized in a political campaign. The event in question appears to have been a community event organized by individuals outside of Spence-Jones' office to inform the public of Spence-Jones' status. As a public official whose status is a matter of public concern, there was no impropriety involved in Spence-Jones or her staff's participation in the event. Accordingly the matter is closed.

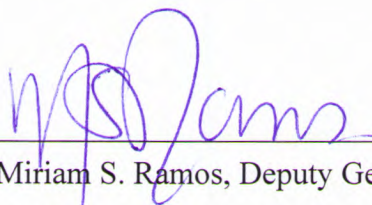

Sylvia Batista, COE Investigator


Robert L. Steinbeck, COE Investigator

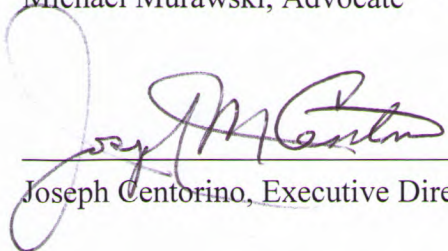
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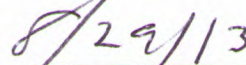
Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director



Date