



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigators: Manuel W. Diaz, Breno Penichet

Case K14-015	Case Name: Elias: Outside Employment	<u>Date Open:</u> 1/31/14	
Complainant(s): Anonymous	Subject(s): NM Police Chief Marc Elias		

Allegation(s):

The COE received an anonymous letter alleging that City of North Miami (NM) Police Chief Marc Elias (Elias) is associated with Alutiiq Security (Alutiiq). The letter further advised that Elias worked for Alutiiq, as a firearm instructor at a range located in Broward County, while on duty and in full uniform. The letter added that Elias uses his City issued vehicle to travel to Broward to provide the training.

Relevant Ordinances:

Miami Dade County Conflict of Interest and Code of Ethics Ordinance
Sec 2-11.1

(g) Exploitation of official position prohibited.

No person included in the terms defined in Subsections (b) (1) through (6) and (b) (13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or her or others except as may be specifically permitted by

other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

(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 ...

Investigation:

Interviews

Steven Johnson (Johnson) City of North Miami(NM) City Manager

Johnson was interviewed via telephone. Johnson was advised as to the scope of the investigation.

Prior to becoming the City Manager Johnson was the NM Police Chief. When Elias was hired as the Assistant Police Chief, Johnson authorized Elias' outside employment with Alutiig. According to Johnson, Elias' outside employment did not interfere with his responsibilities as the Assistant Chief. Johnson was the City Manager when Elias was appointed Chief of Police. Johnson approved Elias' continued outside employment with Alutiig.

According to Johnson, Elias has a 24 - hour vehicle assigned. He had unlimited use of the vehicle while Assistant Chief of Police. Elias, as Chief, still had unlimited use of the vehicle.

Marc Elias (Elias) North Miami Police Chief

Elias was interviewed in his office by COE Investigators. He was advised as to the scope of the investigation.

Elias acknowledged that he is employed by Alutiiq. He worked for them before he was hired by NM. He provides firearms training and other police related training. According to Elias, Alutiiq has a contract with the US Government to provide training for individuals who will work for the company in Haiti. Elias is originally from Haiti and speaks Creole fluently.

Elias advised that when he was hired as Assistant Police Chief, he received permission to have outside employment from the Chief of Police at the time, Johnson.

When Elias became the Chief, Johnson, who is now the City Manager agreed to allow Elias to continue with his outside employment.

Elias confirmed that he conducts training at Pembroke Gun & Range, 3130 SW 19th Street # 453. In Pembroke Park, Florida 33009. The range is located in Broward County.

Elias continued that as the Chief, his work hours are approved by the City Manager. He noted that he gives classes several times a month usually in the morning. He stated that the training does not conflict with his responsibilities as Chief.

Elias believes he knows, but declined to disclose, the identity of the "anonymous" individual who sent the letter to the COE. He described the individual as a former employee who Elias encouraged to resign because of poor performance. The former employee recently observed him at the Pembroke Gun & Range changing from his NM Chief's uniform to his range-master shirt.

Elias continued that he is required by Pembroke Gun & Range to use a bright red work shirt with "Range Master" prominently displayed on the back while conducting training.

Elias is issued a 24 - hour vehicle by the City as part of his employment package.

He resides in West Palm Beach, County. On mornings when he is scheduled to train he stops by the range on his way to work. Other times he stays overnight at his mother's house in Broward and drives to the range early in the morning to conduct training.

Elias provided the COE with copies of City of North Miami, Request to Hold Outside Employment Forms for 2010, 2011, 2012, and 2014, 2013 was not available.

Elias stated that he gave the completed 2013 form to Assistant City Clerk Jackie Vera when the form was due. He remembered that he was in a hurry to attend a

meeting and did not keep a copy. He asked his staff to retrieve a copy of his 2013 form from the City Clerk's Office. The staff was unable to locate the original.

Elias commented that the City Clerk's Office relocated in 2013, and the staff has had problems retrieving documents. Ms. Vera retired in 2013.

Elias resigned as Police Chief several days after the COE interview.

Documents reviewed.

City of North Miami Request To Hold Outside Employment Form

The 2010, 2011, 2012 and 2014 forms provided by Elias. (Copies in File)

Summary of Facts

The COE received an anonymous letter alleging the Elias had outside employment.

Elias' outside employment was initially approved Johnson when he was the Police Chief.

Johnson, as City Manager, approved Elias' outside employment.

As a department director Elias has a 24 - hour vehicle assigned. Elias, according to Johnson has unrestricted use of the vehicle.

Elias provided the COE with copies of his 2010, 2011, 2012 and 2014 outside employment forms.

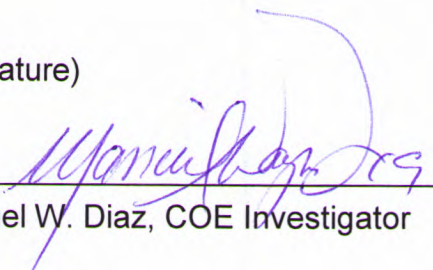
A copy of his 2013 form was not available.

Elias resigned several days after the interview.

Conclusions:

After consulting with the Ethics Commission Advocate, it was determined that the information in the anonymous complaint was not accurate. Accordingly, this matter is closed with no further action.

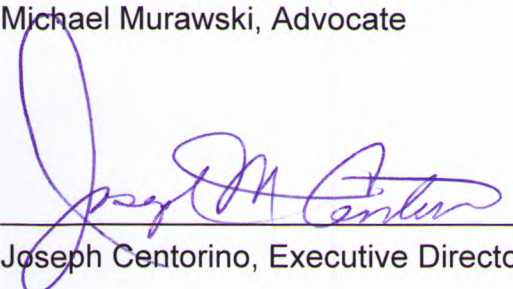
(Signature)


Manuel W. Diaz, COE Investigator

Approved by:


Michael Murawski, Advocate


Miriam S. Ramos, Deputy General Counsel


Joseph Centorino, Executive Director


Date Closed

**CASE
CLOSED**

Date: 